

L A W S

OF THE

STATE OF MICHIGAN

RELATING TO

THE PUBLIC HEALTH.

COMPILED AND PUBLISHED UNDER THE SUPERVISION OF THE SECRETARY OF  
STATE, IN PURSUANCE OF JOINT RESOLUTION No. 18,  
OF THE SESSION LAWS OF 1875.



BY AUTHORITY.

LANSING:

W. S. GEORGE & CO., STATE PRINTERS AND BINDERS.

1876.

*Compliments of*

*HENRY B. BAKER,*

*Secretary of the State Board of Health,*

*LANSING, MICHIGAN.*

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## PREFATORY REMARKS.

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This compilation of the health laws of Michigan is made in pursuance of joint resolution number eighteen, of the Session Laws of eighteen hundred and seventy-five, approved March 20, 1875, in the following words:

JOINT RESOLUTION for publishing in pamphlet form all laws relating to the Public Health.

WHEREAS, It is important that health officers, and persons who give immediate attention to sanitary science in this State, should have in a form convenient for reference, all the laws in force in this State relating to the public health;

*Resolved by the Senate and House of Representatives of the State of Michigan*, That the Secretary of State, immediately after the final adjournment of this Legislature, be authorized and directed to compile and publish, in pamphlet form, all the laws of this State, then in force, relating to the public health; that he shall cause 3,000 copies of such pamphlet to be printed; that he shall send one copy to each health officer in this State, and that he shall place one thousand copies in the hands of the Secretary of the State Board of Health for the use of said board.

Although the resolution is sufficiently comprehensive in requiring the publication of "all laws relating to the public health," there was yet room for some doubt whether anything further was intended than the publication of laws or portions of laws coming within the administration of health boards. Some acts, however, not coming under this administration, were yet so exclusively in the interest of the public safety and health that they could not be excluded. Another class of acts, as, the inspection laws, have reference both to the public health and the convenience of commerce, and hence claimed recognition. Another class of acts, namely, those prescribing penalties for the commission of crimes against life and health, bear more or less directly upon the subject. There were, again, the beneficent laws, relating to hospitals, asylums, and public charities. Hence the compiler found himself at the outset confronted with the necessity of exercising a wide discretion. This discretion has been exercised in a liberal spirit toward the object of the work, and where provisions were found whose remoteness seemed to deny them space, they are recognized by references at the end of the work.

Aside from informing health officers more specifically as to their powers and duties, it is thought that the compilation may show wherein the health laws are deficient, and thereby suggest future legislation, and also that by bringing together the various provisions of law it may, by showing the care which legislation has taken to guard life and health, stimulate health boards to more systematic action, and aid them in securing the coöperation of other officers and persons on whom incidental duties are imposed, either directly or by implication.

The sections of this compilation are numbered consecutively by figures in parentheses at the beginning of each section. The section numbers following are those of the act or statute. The section numbers of the Compiled Laws, so far as the matter is found in the compilation of 1871, are indicated in parentheses at the end of each section.



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# L A W S

RELATING TO

## THE PUBLIC HEALTH.

### I. STATE BOARD OF HEALTH—CERTAIN DUTIES OF LOCAL BOARDS, ETC.—SUPERINTENDENT OF VITAL STATISTICS.

Act No. 81, Laws of 1873, p. 104.<sup>1</sup> Approved April 12, 1873.

#### STATE BOARD OF HEALTH.

(1.) SECTION 1. *The People of the State of Michigan enact, That* a board is hereby established which shall be known under the name and style of the "State Board of Health." It shall consist of seven members, as follows: Six members who shall be appointed by the governor with the consent of the senate, and a secretary, as provided in section four of this act. The six members first appointed shall be so designated by the governor that the term of office of two shall expire every two years, on the last day of January. Thereafter, the governor, with the consent of the senate, shall biennially appoint two members to hold their offices for six years, ending January thirty-first. Any vacancy in said board may be filled until the next regular session of the legislature by the governor.

State board of health established.

Members of, and how appointed.  
Term of office.

Vacancy, how filled.

Duties of.

(2.) SEC. 2. The state board of health shall have the general supervision of the interests of the health and life of the citizens of this state. They shall especially study the vital statistics of this state, and endeavor to make intelligent and profitable use of the collected records of deaths and of sickness among the people; they shall make sanitary investigations and inquiries respecting the causes of disease, and especially of epidemics; the causes of mortality, and the effects of localities, employments, conditions, ingestia, habits and circumstances on the health of the people. They shall, when required, or when they deem it best, advise officers of

<sup>1</sup> Title of act: "An act to establish a State Board of Health, to provide for the appointment of a Superintendent of Vital Statistics, and to assign certain duties to local boards of health."

the government, or other state boards, in regard to the location, drainage, water supply, disposal of excreta, heating, and ventilation of any public institution or building. They shall from time to time recommend standard works on the subject of hygiene for the use of the schools of the state.

Meeting of  
board.

Quorum.

Election of  
president and  
the adoption of  
rules, etc.

Election of  
secretary.

Term of office of  
secretary and his  
duties.

Salary of secre-  
tary.

Expenses of  
board.

Appropriation.

(3.) SEC. 3. The board shall meet quarterly at Lansing, and at such other places and times as they may deem expedient. A majority shall be a quorum for the transaction of business. They shall choose one of their number to be their president, and may adopt rules and by-laws subject to the provisions of this act. They shall have authority to send their secretary, or a committee of the board to any part of the state, when deemed necessary to investigate the cause of any special or unusual disease or mortality.

(4.) SEC. 4. At their first meeting, or as soon as a competent and suitable person can be secured, the board shall elect a secretary, who shall, by virtue of such election, become a member of the board and its executive officer. The board may elect one of their own number secretary, in which case the governor shall appoint another member to complete the full number of the board.

(5.) SEC. 5. The secretary shall hold his office so long as he shall faithfully discharge the duties thereof, but may be removed for just cause at a regular meeting of the board, a majority of the members voting therefor. He shall keep his office at Lansing, and shall perform the duties prescribed by this act, or required by the board. He shall keep a record of the transactions of the board; shall have the custody of all books, papers, documents and other property belonging to the board, which may be deposited in his office; shall, so far as practicable, communicate with other state boards of health, and with the local boards of health within this state; shall keep and file all reports received from such boards, and all correspondence of the office appertaining to the business of the board. He shall so far as possible aid in obtaining contributions to the library and museum of the board. He shall prepare blank forms of returns and such instructions as may be necessary, and forward them to the clerks of the several boards of health throughout the state. He shall collect information concerning vital statistics, knowledge respecting diseases, and all useful information on the subject of hygiene, and through an annual report, and otherwise, as the board may direct, shall disseminate such information among the people.

(6.) SEC. 6. The secretary shall receive an annual salary which shall be fixed by the state board of health. The board shall quarterly certify the amount due him, and on presentation of said certificate the auditor general shall draw his warrant on the state treasurer for the amount. The members of the board shall receive no per diem compensation for their services, but their traveling and other necessary expenses while employed on the business of the board shall be allowed and paid.

(7.) SEC. 7. The sum of four thousand dollars per annum, or so much thereof as may be deemed necessary by the state board of health, is hereby appropriated to pay the salary of the secretary,



meet the contingent expenses of the office of the secretary, and the expenses of the board, which shall not exceed the sum hereby appropriated. Said expenses shall be certified and paid in the same manner as the salary of the secretary.

CERTAIN DUTIES OF LOCAL BOARDS, ETC.

(8.) SEC. 8. It shall be the duty of the health physician, and also of the clerk of the local board of health in each township, city, and village in this state, at least once in each year, to report to the state board of health their proceedings, and such other facts required, on blanks, and in accordance with instructions received from said state board. They shall also make special reports whenever required to do so by the state board of health.

Health physicians and clerks of local boards to report to state board.

(9.) SEC. 9. In order to afford to this board better advantages for obtaining knowledge important to be incorporated with that collected through special investigations and from other sources, it shall be the duty of all officers of the state, the physicians of all mining or other incorporated companies, and the president or agent of any company chartered, organized, or transacting business under the laws of this state, so far as is practicable, to furnish to the state board of health any information bearing upon public health which may be requested by said board for the purpose of enabling it better to perform its duties of collecting and distributing useful knowledge on this subject.

Duty of state officers, physicians, etc., to furnish information.

SUPERINTENDENT OF VITAL STATISTICS.

(10.) SEC. 10. The secretary of the state board of health shall be the superintendent of vital statistics. Under the general direction of the secretary of state, he shall collect these statistics, and prepare and publish the report required by law relating to births, marriages, and deaths.

Secretary to be superintendent of vital statistics.

(11.) SEC. 11. The secretary of state shall provide a suitable room for the meetings of the board at Lansing, and office room for its secretary.

Room for use of board.

II. SOCIAL AND VITAL STATISTICS.

ACT TO PROVIDE FOR TAKING THE CENSUS AND STATISTICS OF THE STATE

Laws of 1853, p. 60. Approved February 9, 1853.

(12.) SECTION 1. *The People of the State of Michigan enact,* That it shall be the duty of the supervisor of each township and ward, and assessor of each assessment district, at the time of taking a list of the taxable property, or between the first Monday of

Duty of supervisors and assessors to take census and statistics.



April and third Monday of May, in the year one thousand eight hundred and fifty-four, and every ten years thereafter, to go to every dwelling-house in their respective township, ward or assessment district, and by personally inquiring of the head of every family, or some competent person, to ascertain and take an enumeration of all the inhabitants therein (except uncivilized Indians belonging to some tribe), in the following order, to wit: The names of all males of the age of twenty-one years and under forty-five (designating the married from the unmarried); the names of those of forty-five and under seventy-five; the names of those of seventy-five and under ninety; the names of those of ninety and under one hundred; and the names of those over one hundred; the number of females of the age of eighteen years and under forty (designating the married from the unmarried); the number of the age of forty and under seventy-five; the number of the age of seventy-five and over; the number of children under the age of five years; the number of the age of five and under ten (designating the males from the females); the number of males of the age of ten and under twenty-one, and the number of females of the age of ten and under eighteen; the number of colored persons; the number of blind; the number of deaf and dumb; and the number of insane persons and idiots; the number of marriages and the number of deaths the preceding year, as near as can be ascertained; and the occupation or profession of all males over twenty-one years of age.—(§792.)

Duty of supervisors and assessors to collect statistics.

Statistics to be collected.

(13.) SEC. 2. And it shall also be the duty of the supervisors and assessors of each city and township, at the time mentioned in the preceding section for taking the census of his township or ward, to ascertain and set down in a table prepared for that purpose the whole number of acres of taxable land; the whole number of acres of land owned by individuals and companies; the number of acres improved; the whole number of acres of land exempt from taxation, and for what cause, and its value; the number of acres sowed with wheat then on the ground; the number of acres and the number of bushels of corn harvested the preceding year; the number of acres harvested and the number of bushels of wheat raised the preceding year; the number of bushels of all other kinds of grain; the number of bushels of potatoes and the number of tons of hay the preceding year; the number of acres planted with the following varieties of trees: peach, pear, apple, plum, cherry; the number of acres planted with grape vines, with raspberry canes, strawberry plants, currant and gooseberry bushes; and the number of acres planted with melons and with garden vegetables, and the quantity of each of the following articles produced during each of the two preceding years: apples, peaches, pears, plums, cherries, grapes, strawberries, currants, gooseberries, melons and garden vegetables, and the value thereof as nearly as it can be ascertained; the number of sheep, and the number of pounds of wool sheared the preceding year; and the number of sheep and the number of swine over six months old; and the number of pounds of pork marketed; the number of neat cattle (other than oxen and cows)

one year old and over; the number of horses one year old and over; *Idem.* the number of mules; the number of work oxen and the number of milch cows; the number of pounds of butter and cheese made the preceding year; the number of pounds of sugar manufactured the present year; the number of pounds of fruit dried for market; the number of cans of fruit and vegetables canned for market during the preceding year; the number of cans of pickles manufactured for market; the number of pounds of peppermint oil manufactured the preceding year; the number of flouring mills, and the number of runs of stone in each; the number of barrels of flour made by each the preceding year; and the number of oil mills, and the number of gallons of oil made the preceding year; the number of breweries, and the number of barrels of beer made the preceding year; the number of distilleries, and the number of gallons of liquor made the preceding year; the number of gallons of wine made the preceding year; and the number of barrels of cider made the preceding year; and the number of barrels of fish caught the preceding year, and the amount of capital invested; the number of sawmills, and the number of feet of lumber sawed by each the preceding year and the amount of capital invested; the number and kind of all manufactories, the number of persons employed in each, the amount of capital invested and the value of the products for the past year, designating the number of said mills and factories operated by steam and the number by water power; the number of mines worked, the amount of capital invested, and the number of men employed, specifying the kind of mineral, the aggregate quantity in pounds, and its valuation at the place of mining; the amount of capital invested and the number of men employed; and the value of all the merchandise imported the preceding year for the purpose of sale.—(§793.)

(14.) SEC. 3. The secretary of state shall prepare proper blanks for taking the census and statistics, and shall transmit to the several county clerks of all the organized counties of the state a sufficient number for each township, ward, or assessment district in each county, on or before the first day of January, in the year of our Lord one thousand eight hundred and fifty-four, and every tenth year thereafter; and it shall be the duty of the county clerk to receive and retain the same in his office, and, on or before the second Monday in April next thereafter, cause to be delivered to the supervisor of each township and ward, and assessor of each assessment district in the county, a sufficient number of said blanks for the supervisor or assessor to take the census of his township, or ward, or assessment district (as the case may be), and to make a condensed statement thereof, as prescribed in the next succeeding section.—(§794.)

Duty of secretary of state.

(15.) SEC. 4. It shall be the duty of each supervisor and assessor to condense the census and statistics of his township, ward, or assessment district, so as to show the aggregate number of each

Census and statistics to be condensed by supervisor and assessor.

<sup>1</sup> As amended by Act No. 101, Session Laws of 1873, p. 132. The provisions of this section relate more to industrial than to social or vital statistics, although the two are so intimately connected that it is thought proper to include the entire act.

- class, to write out distinctly the names of all males over the age of twenty-one years; and when so arranged, he shall make duplicate copies, and personally deliver or forward the same to the county clerk of their respective counties, on or before the first day of July next thereafter; and it shall be the duty of the county clerk to forthwith seal up one copy and send it by mail to the secretary of state, and the other he shall file and carefully preserve in his office.—(§795.)
- Duty of county clerk.** (16.) SEC. 5. If any supervisor or assessor shall be sick, or otherwise unable to perform, or omit to perform the duties required by this act, the township or city board shall immediately appoint a suitable person to do the duties of such supervisor or assessor, who shall take and subscribe the constitutional oath before entering upon the duties of his office.—(§796.)
- When person to be appointed to do the duty of supervisor or assessor.** (17.) SEC. 6. Any supervisor or assessor neglecting or refusing, without good cause shown, to perform all the duties prescribed in this act, shall forfeit the sum of one hundred dollars, to be recovered by an action of debt, in the name of the people of the state of Michigan, for the use of the county where such failure occurred.—(§797.)
- Penalty for neglect of duty.** (18.) SEC. 7. It shall be the duty of the county, township, or city clerk (as the case may be), to notify the prosecuting attorney of the county of any forfeiture under this act, who shall immediately commence a suit for the recovery thereof, and prosecute the same to a final termination.—(§798.)
- Prosecuting attorney to sue for forfeitures.** (19.) SEC. 8. The supervisor of each township and ward, and the assessor of each assessment district shall be allowed, in addition to the sum allowed by law for taking the assessment of his township, ward, or assessment district, two dollars for every one hundred persons by him returned, if the number shall exceed one thousand and five hundred, and two dollars and fifty cents per hundred for any number less, and ten cents per mile for conveying the returns to the county clerk's office, which shall be in full for all services performed under the provisions of this act; and the sum due each supervisor and assessor for services, shall be calculated at the rate aforesaid by the county clerk to which the proper returns are made, and his certificate of the amount due shall be paid by the treasurer of said county: *Provided*, That before a supervisor or assessor shall be entitled to receive any compensation, he shall attach a certificate to each copy of said returns, signed by him, in the following form, to wit: "I do hereby certify that the census and statistics set forth in the schedule hereunto annexed, has been consolidated and arranged from enumeration and statistical lists, made by actual inquiry at the dwelling, or personal inquiry of the head of every family, or of a competent person acquainted with the facts, by myself, in the township of ----- or ward number ----- in the city of ----- or assessment district in the city of ----- (as the case may be), and that the said schedule has been made in every respect in conformity with the act for taking the census and statistics for the year eighteen hundred and fifty-four, and every tenth year there-
- Compensation of supervisor and assessor.**
- Proviso.**
- Certificate to returns.**



after, and the amendments thereto, and is correct and true, according to the best of my knowledge and belief."<sup>1</sup>— (§799.)

(20.) SEC. 9. The secretary of state shall condense, in a tabular form, the census and statistical returns made to him, and, as soon as may be, cause six thousand copies to be published and bound, and transmit four copies to each organized township in the state, one for the use of the supervisor, one for the use of the township clerk, and two to be deposited in the township clerk's office; and twenty-five copies to the mayor of the city of Detroit, and ten copies to the mayor of every other city in the state, and two copies to the president of each incorporated village, for the use of the several city and village libraries. He shall also cause one hundred copies to be deposited in the state library of this state, and also transmit one copy to each of the members of this legislature, and its officers: *Provided*, That in counties having less than five thousand inhabitants, the supervisor in each town shall be entitled to three dollars for taking the census and statistics in his town, extra.<sup>2</sup>— (§800.)

Report by secretary of state.

Distribution thereof.

Proviso.

(21.) SEC. 10. In the city of Detroit, the common council shall appoint a person in each ward to discharge the duties required by this act to be performed by the supervisor of each township or ward: *Provided*, There is no assessor elected in said wards.— (§801.)

Common council of Detroit to appoint.

Proviso.

(22.) SEC. 11. It shall be the duty of the persons required in this act to take said census, to have the several columns of figures footed, and the aggregate amount put down.— (§802.)

Columns to be footed.

(23.) SEC. 12. That the governor appoint marshals to take the census in the unorganized territory not otherwise provided in this act, who shall receive such compensation as the board of supervisors of the organized county to which such unorganized territory is attached for judicial purposes shall allow.— (§803.)

Governor to appoint marshals in certain cases.

#### REGISTRATION OF BIRTHS, MARRIAGES, AND DEATHS.

Laws of 1867, p. 266. Approved March 27, 1867.

(24.) SECTION 1. *The People of the State of Michigan enact*, That it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein, in this state, between the tenth day of April and the first day of June, in the year eighteen hundred and sixty-nine, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, from and including April fifth, eighteen hundred and sixty-eight, to and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which such township or city is situated, on or before the first said day of June; and for such service shall receive ten cents for each birth and death so returned by

Duties of supervisors and assessors.

In 1869 returns to be made from April 5 to December 31, 1868.

Return to county clerk.

<sup>1</sup> Vide note to consecutive section 18.

<sup>2</sup> As amended by Act 101, Laws of 1878, p. 182, and Act 68, Laws of 1875, p. 79.

<b>In 1870 and thereafter, returns to include from January to December last preceding. Statistics, how obtained.</b>	them, to be paid by the county in which such returns are made. In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities, or wards, during the year ending on the last day of the preceding December, and shall make the return, and receive therefor the compensation above provided for: <i>Provided</i> , That in the city of Detroit, the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April, in each year, to appoint such number of persons in each ward of said city, as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors by this act, within the territory assigned them, respectively, by the common council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties. <sup>1</sup> —(\$810.)
<b>Compensation.</b>	
<b>Proviso relating to the city of Detroit.</b>	
<b>Duty of common council. Persons to be appointed by.</b>	(25.) SEC. 2. Every justice of the peace, minister of the gospel, and all other persons authorized by law to solemnize marriages in this state, shall make a record of each marriage so solemnized by him, and every clerk or keeper of the records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, shall make a record of such marriage, together with all the facts relating to the same, as required by the third section of this act; and such justice, minister of the gospel, clerk, or other person, shall, at the time such marriage is solemnized, deliver on demand, to either of the parties so joined in marriage as aforesaid, a certificate of such marriage containing all the facts in relation thereto required by said third section of this act, and shall within ninety days thereafter deliver to the clerk of the county in which such marriage took place, a certified copy of such record, and at the same time pay to the clerk twenty-five cents for recording the same.—(\$811.)
<b>Compensation of persons so appointed.</b>	
<b>How paid.</b>	
<b>Penalties.</b>	
<b>Marriages to be recorded.</b>	
<b>Marriage of Quakers.</b>	
<b>Certificates to be furnished.</b>	
<b>Fee for recording.</b>	
<b>County clerks, duties of.</b>	(26.) SEC. 3. It shall be the duty of the county clerks of the several counties in this state, on receiving the returns of such births, marriages and deaths, to record the same at length in separate books, to be provided at the expense of the state by the secretary of state, for that purpose, with proper indexes thereto. The births, marriages, and deaths shall be numbered and recorded in the order in which they are received by the clerk, and the record of marriages shall be indexed, using both the name of the bridegroom and bride. The record of births shall state, in separate columns, the date of the birth, the name of the child (if it have
<b>Births, marriages, and deaths to be numbered and indexed.</b>	
<b>What record of births shall state.</b>	

<sup>1</sup> As amended by Act 125, of the Laws of 1869, p. 214.

any), the sex and color of the child, the place of birth, the Christian and surname of both parents, the residence and nativity of the parents, the occupation of the father, and the date when the record was made: *Provided*, That in case the child has no Christian name, such name shall be obtained and reported to the county clerk in the next annual report of the supervisor or assessor, and such Christian name shall be distinctly designated in such report as the Christian name belonging to a child previously reported, and shall be properly entered by said county clerk, in the blank left for such Christian name in his book of record; and it shall be the duty of the several county clerks, on or before the tenth day of April in each year, to give to the officers required to make the said returns, lists of such children whose Christian names have not been previously reported in their respective towns, cities, or wards. The record of marriages shall state, in separate columns, the date and place of marriage, the Christian and surname of the bridegroom and bride, and the maiden name of the bride, if a widow, the color, age, and place of birth of each, the residence of each at the time of marriage, the occupation of the bridegroom, and the name and official station of the person by or before whom they were married, the names and residences of at least two witnesses present at such marriage, and the date when such record was made. The record of deaths shall state, in separate columns, the date of the death, the Christian and surname of the deceased, the sex and color, whether married or single, the age in years, months, and days, the place of death, the disease or apparent cause of death, the nativity of the deceased, and the occupation, if any, and the names, residence of the parents, if known, and the date when such record was made. The clerks of the several counties shall annually, on or before the first day of September, make and transmit to the secretary of state a certified copy of the records in his office of all the births, marriages, and deaths reported in their respective counties for the year ending December thirty-first, last preceding. And each county clerk shall receive for the record of each birth and death in his office three cents, and three cents for each birth, marriage, and death returned by him to the secretary of state, to be paid by the county, and shall be compensation in full for all services required by this act to be performed by him.<sup>2</sup>—(§812.)

*Proviso.*

What record of marriages shall state.

What record of deaths shall state.

Return of county clerk.

Compensation.

(27.) SEC. 4. The secretary of state shall prepare and furnish to the county clerks of the several counties in this state, blank books of suitable quality and size, with proper rulings and headings, to be used as books of record in carrying into effect the provisions of this act. He shall also prepare and furnish blank "forms of returns," as hereinbefore specified, accompanied with such instructions and explanations as may be necessary to insure uniformity in such returns, which blanks shall be forwarded to the several county clerks on or before the first day of March in each year; and the said county clerks shall deliver the same to

Secretary of state, duties of.

<sup>2</sup> Vide note to section 1 of this act.



the supervisors or assessors of the several townships, cities, or wards therein, in their respective counties, on or before the tenth day of April.<sup>1</sup>—(§813.)

Bound volumes of reports.

(28.) SEC. 5. It shall be the duty of the secretary of state to receive the returns made in pursuance of the third section of this act, and he shall cause the same for each year to be bound together, in one or more volumes, at the expense of the state, and make indexes thereto; and with such assistance as may be voluntarily rendered by any authorized committee appointed by the medical faculty of the university of Michigan, or by any regularly authorized medical society in this state for that purpose, he shall prepare such tabular statements, results, and deductions therefrom as will render them of practical utility, and make report thereof, annually, to the governor of the state, which report may be ordered published and distributed in such manner as the legislature may from time to time direct.—(§814.)

Neglect to keep records.

(29.) SEC. 6. Every justice of the peace, minister of the gospel, and all other persons authorized by the laws of this state to solemnize marriages, and clerks or keepers of records of the meetings in which any marriage among the Friends or Quakers shall be solemnized, who shall neglect or refuse to make a record of such marriage, or to deliver to the county clerk of the county in which the marriage took place, a certified copy of such record, or who shall refuse, on demand, to deliver to the parties to such marriage the certificate thereof, as required by section two of this act, or who shall willfully make a false or fictitious entry in his record of marriages, or in the certified copy of such record delivered to the county clerk, or in the certificates of marriages delivered to the parties thereto, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by fine not exceeding one hundred dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had, until said fine be paid, but not to exceed the period of ninety days.—(§815.)

Certificate of death.

(30.) SEC. 7. Every physician, surgeon, or midwife, who shall have been in attendance upon any deceased person, shall, upon application of any supervisor or assessor of the township, city, or any ward thereof, in which such death occurred, make out and deliver to such supervisor or assessor a certified statement, without fee, containing the name of the disease or cause (if known), producing the death of such person; and any medical attendant who shall neglect or refuse to give such statement, or who shall willfully make a false statement in relation to such death, shall, for such offense be liable to pay a fine of not less than ten nor more than fifty dollars, and the costs of prosecution, which fine the said supervisor or assessor is hereby required to sue for and collect in his official character.—(§816.)

Contents.

Refusal to make certificate.

Penalty.

Facts to be obtained by supervisor.

(31.) SEC. 8. It shall be the duty of each supervisor or assessor to obtain the facts in relation to births and deaths within his town-

<sup>1</sup> Vide note to section 1 of this act.

ship, city, or any ward therein (not otherwise obtained), from the heads of families, the keepers, overseers, or superintendents of asylums, hospitals, jails, prisons, workhouses, almshouses, houses of correction, and similar institutions, the keepers of hotels, public and private boarding-houses, and the masters or chief officers of steamboats and sail vessels navigating any of the waters of this state and touching at any port of entry therein, in which such births or deaths occurred: and if either of the above-named persons shall refuse to give such information, then the same shall be obtained by such supervisor or assessor from any person having a knowledge of the facts in relation to such birth or death; and if the supervisor or assessor shall have reason to believe that any person or persons willfully misrepresented or concealed any facts relative to such birth or death in his township, city, or any ward therein, which he cannot otherwise obtain, he may examine such person or persons on oath (which oath such supervisor or assessor is hereby empowered and authorized to administer), in relation to any birth or death within his township, city, or any ward therein, of which such person or persons may have any knowledge or information; and if any person, after being duly subpoenaed (as provided for compelling the attendance of witnesses in justices' courts) by such supervisor or assessor, for the purposes aforesaid, shall neglect or refuse to appear before such officer, or appearing shall refuse to be sworn and testify in relation to such matter, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished therefor by fine not exceeding fifty dollars, and in default of paying the same, shall be imprisoned in the county jail of the county in which such conviction shall be had until said fine be paid, but not exceeding ninety days: and any person who, after being duly sworn as aforesaid, shall willfully make any false statement in relation to any birth or death, about which he is required to testify, shall be deemed guilty of willful and corrupt perjury: *Provided*, That no person shall be required to answer any question which will tend to criminate himself or herself upon any such examination.— (§817.)

Refusal to furnish.

Obtained under oath.

Neglecting to answer a subpoena.

Penalty.

Perjury.

Proviso.

(32.) SEC. 9. In case of the refusal or neglect by any of the officers mentioned in this act, to perform any of the duties hereinbefore required of them or either of them, to be done and performed by any of the provisions herein contained, such officer shall be liable to a fine not to exceed one hundred dollars, and the costs of prosecution; and the prosecuting attorney in each county is hereby required to prosecute, in the name of the people of the state of Michigan, all persons in his county who shall willfully violate any of the provisions of this act; and the said supervisor or assessors of any township, city, or any ward therein, may be prosecuted for a misdemeanor under this section, and upon conviction punished as therein provided for.— (§818.)

Neglect to perform duties.

Penalty.

Misdemeanor.

(33.) SEC. 10. Sections three thousand two hundred and thirteen, three thousand two hundred and fourteen, three thousand two hundred and fifteen, and three thousand two hundred and six-

Sections repealed

teen, of the compiled laws of eighteen hundred and fifty-seven be and the same are hereby repealed.— (§819.)

Compensation of supervisors and assessors for 1868.

(34.) SEC. 10 [11]. The several supervisors and assessors of the townships, villages, and cities in this state, who have made any returns of births and deaths to the county clerk of their respective counties for the year eighteen hundred and sixty-eight, and have not received the amount of compensation as provided for in this act, shall be paid therefor at rates set forth in the preceding sections. And such county clerks as have made returns of the births, marriages, and deaths to the secretary of state for the year eighteen hundred and sixty-eight, and who have not received compensation therefor, shall be paid for the same at the rates set forth in the preceding sections.<sup>1</sup>— (§820.)

County clerks.

#### STATISTICAL INFORMATION OF THE INSANE, DEAF, DUMB, AND BLIND.

Laws of 1873, p. 145. Approved April 17, 1873.

Supervisors or assessors to collect statistics relative to the insane, deaf, dumb, and blind.

(35.) SECTION 1. It shall be the duty of the supervisor or assessor of each township and ward in this state at the time of making his general assessment and assessment roll for his township or ward in each year, to ascertain and set down in a blank prepared for that purpose, the names of all insane, deaf, dumb, and blind persons in his township or ward, showing the person's age, general health, habits, and occupation; the kind, degree, and duration of such affliction; the sex; whether married or single or widowed; whether under medical treatment; the pecuniary ability of the person thus afflicted, and of the relatives of such person liable for his or her support, and such further information relative to these classes of persons as may be thought useful. Such supervisor or assessor shall deliver said blank to the county clerk of his county on or before the fifteenth [day] of June, and the county clerk shall forthwith transmit said blank to the secretary of state, who shall present an abstract of the information thus obtained to the governor on the thirtieth day of September, or as soon as practicable thereafter.<sup>2</sup>

Blanks containing statistics to be delivered to county clerk. Clerk to forward forthwith to secretary of state.

Secretary of state and county clerks to distribute this act and blank returns.

(36.) SEC. 2. The secretary of state shall as soon as practicable after the passage of this act, transmit to each county clerk of this state, a sufficient number of copies of this act to furnish each supervisor or assessor of his county with one; also a sufficient number of blanks to be prepared by him, to be used in carrying out the provisions of this act. The county clerk of each county shall, on receiving the same, immediately distribute said copies and blanks to the supervisors or assessors of his county. The secretary shall each year thereafter, before the first day of April, transmit to each county clerk a sufficient number of blanks, to be distributed by such clerk to the supervisors or assessors of his county, to be used in carrying out the provisions of this act.

<sup>1</sup> As added by Act 125 of the Laws of 1869, p. 214.

<sup>2</sup> As amended by Act 52, Laws of 1875, p. 48. The amendatory act omits the enacting clause from the section as amended.



## III.—THE PRESERVATION OF PUBLIC HEALTH.

Chapter thirty-five of Revised Statutes of 1846.

## LOCAL BOARDS OF HEALTH.

(37.) SECTION 1. The supervisor and justices of the peace of every township, respecting which no other provision is or shall be made by law, shall be a board of health for their respective townships, and the township clerk shall be the clerk of such board, and shall keep a record of their proceedings in a book to be provided for that purpose at the expense of the township.<sup>1</sup>—(§1692.)

Board of health.

(38.) SEC. 2. Every board of health may appoint a physician to the board, who shall be the health officer of his township, and shall hold his office during their pleasure, and they shall establish his salary, or other compensation, and shall regulate all fees and charges of every person employed by them in the execution of the health laws, and of their own regulations.—(§1693.)

Appointment of health officer, his compensation, etc.

(39.) SEC. 3. The board of health shall make such regulations respecting nuisances, sources of filth, and causes of sickness, within their respective townships, and on board of any vessels in their ports or harbors, as they shall judge necessary for the public health and safety; and if any person shall violate any such regulations, he shall forfeit a sum not exceeding one hundred dollars.—(§1694.)

Regulations relating to causes of sickness, etc.

(40.) SEC. 4. The said board shall also make such regulations as they may deem necessary for the public health and safety, respecting any articles which are capable of containing or conveying any infection or contagion, or of creating any sickness, when such articles shall be brought into, or conveyed from, their township, or into or from any vessel; and if any person shall violate any such regulation, he shall forfeit a sum not exceeding one hundred dollars.—(§1695.)

Respecting articles capable of conveying contagion, etc.

(41.) SEC. 5. The said board shall also make all regulations which they may deem necessary for the interment of the dead, and respecting burying-grounds, for their township; and it shall also be the duty of said board to purchase in each surveyed township so much land for burying-grounds as shall be necessary for burying the dead of such township, provided suitable grounds therefor can be found and procured within the township, and if not, they shall then provide such grounds in the nearest adjoining township where such suitable grounds can be procured.<sup>2</sup>—(§1696.)

Duty of board as to the purchase of burying grounds.

(42.) SEC. 6. The board of health of the township for which such burying-grounds shall be procured, and their successors in

Board to hold lands in trust.

<sup>1</sup> See consecutive section 85, as to boards of health in cities and villages. See also consecutive sections 44 and 45, as to certain duties of local boards.

<sup>2</sup> As amended by Act 142 of the Laws of 1859, p. 896. See "Cemeteries in their relation to public health," this compilation, chapter XI.

Office of the State Board of Health, )  
 Lansing, Mich., April, 1877. )

*To the Supervisor, as President of the Township Board of Health:*

SIR:—Herewith I send you a certified copy of an act just passed, and ordered to take immediate effect, by the legislature of this State, and which necessitates action by your local board of health “within thirty days after the annual township meeting.”\* Herewith please find a blank form and a printed envelope for the use of your board in sending to this office the statement of name and post-office address of your health officer, as required by this law.

If any change shall occur in the health officer\* or in his post-office address, it will facilitate our work if your board will cause a notice of such change to be sent to this office.

In addition to his services as sanitary adviser of your local board of health, it is desirable that your health officer correspond freely with this office, concerning subjects connected with the public health in your locality. Any important sanitary experience of your board may, if thus reported, be made useful to other boards of health throughout the State.

By direction of the State Board of Health.

Very Respectfully,

HENRY B. BAKER,

*Secretary.*

\*Section 2 of this act requires that “Every township board of health shall \* \* \* constantly have a health officer,” and provides for calling special meetings of the board, for any purpose. If no health officer is appointed “within thirty days after the annual township meeting” it will become necessary to appoint one after that time to fill the vacancy. Vacancies also occur whenever the incumbent of an office ceases to be an inhabitant of the district, county, township, city, or village for which he was elected or appointed an officer,—see section 617 Compiled Laws of Mich., 1871.

Before entering upon his duties the health officer should take and subscribe the official oath required by Sec. 1, Art. xviii. of the Constitution of this State, and file the same in the office of the township clerk.

AN ACT to amend sections 1692 and 1693, chapter 46, of the compiled laws of 1871, relative to boards of health and health officers in townships.

*The People of the State of Michigan enact.* That sections 1692 and 1693, chapter 46, of the compiled laws of 1871, be and the same are hereby so amended as to read as follows:

(1692). SECTION 1. In every township the township board shall be the board of health. The supervisor shall be the president, and the township clerk shall be the clerk of said board. The clerk shall keep a record of the proceedings of the board in a book to be provided for that purpose at the expense of the township.

(1693.) Sec. 2. Every township board of health shall appoint and constantly have a health officer of the township who shall where practicable, be a physician and sanitary adviser, and an executive officer of the board: *Provided*, That in townships where it is not practicable to secure the services of a well educated and suitable physician, the board may appoint the supervisor or some other person as such health officer. The board of health shall establish his salary or other compensation, and shall regulate and audit all fees and charges of persons employed by them in the execution of the health laws and of their own regulations. Within thirty days after the annual township meeting in each year, the board of health shall meet for the transaction of business and shall appoint or reappoint a health officer, and shall immediately cause to be transmitted to the Secretary of the State Board of Health, at Lansing, the full name and postoffice address of such health officer, and a statement whether he is a physician, the supervisor, or some other person not a physician. A special meeting of the board may be called by the order of the president or of any two members of said board.

Sec. 1. This act shall take immediate effect.

Approved April 20, 1877.

CHARLES M. CROSWELL.

ALONZO SESSIONS,

*President of the Senate.*

JOHN T. RICH,

*Speaker of the House of Representatives.*

STATE OF MICHIGAN )

*Office of the Secretary of State. )*

I, E. G. D. HOLDEN, Secretary of State of the State of Michigan, DO HEREBY CERTIFY that I have compared the annexed copy of an act entitled "An act to amend sections 1692 and 1693, chapter 46, of the compiled laws of 1871, relative to boards of health and health officers in townships," with the original as enrolled and now on file in this office, and that it is a true and correct transcript therefrom, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Michigan, at Lansing, this twenty-third day of April, in the year of our Lord one thousand eight hundred and seventy-seven.

[L. S.]

E. G. D. HOLDEN,

SECRETARY OF STATE.

By WM. CROSBY, DEPUTY.



Expenses, how paid.

Proviso.

Notice of regulations, how published.

Board to examine into nuisances, etc., and destroy, remove, or prevent the same.

Proceedings, if nuisance, etc., found on private property.

When nuisance, etc., to be removed by board at expense of owner, etc.

Court may order nuisance removed in certain cases.  
8 Mich. 117.

Proceedings when admittance of board to building or vessel is refused.

office, shall hold the fee of such land in trust for such township; and they shall keep the same, or so much thereof as shall be necessary, surrounded with a good and substantial fence; the expenses of the purchase of such lands, and of fencing and regulating the same, to be certified to the town board by the board of health, and, by the town board, provided for as a part of the contingent expenses of the township: *Provided, however,* That the board of health may, whenever they think it desirable, sell and convey single or family burial lots in said township burying-grounds, to such person or persons as may desire to procure the same, and apply the proceeds thereof towards the purchase or improvement of said grounds, certifying the amount of all such sales and expenditures to the township board as above provided.—(§1697.)

(43.) SEC. 7. Notice shall be given by the board of health of all regulations made by them, by publishing the same in some newspaper of the township, if there be one published therein, and if not, then by posting them up in five public places in such township; and such notice of said regulations shall be deemed legal notice to all persons.—(§1698.)

#### NUISANCES.<sup>2</sup>

(44.) SEC. 8. The board of health shall examine into all nuisances, sources of filth and causes of sickness that may, in their opinion, be injurious to the health of the inhabitants within their township, or in any vessel within any harbor or port of such township; and the same shall destroy, remove, or prevent, as the case may require.—(§1699.)

(45.) SEC. 9. Whenever any such nuisance, source of filth, or cause of sickness shall be found on private property, the board of health shall order the owner or occupant thereof, at his own expense, to remove the same within twenty-four hours; and if the owner or occupant shall neglect so to do, he shall forfeit a sum not exceeding one hundred dollars.—(§1700.)

(46.) SEC. 10. If the owner or occupant shall not comply with such order of the board of health, such board may cause the said nuisance, source of filth, or cause of sickness, to be removed, and all expenses incurred thereby shall be paid by the said owner or occupant, or by such other person as shall have caused or permitted the same.—(§1701.)

(47.) SEC. 11. Whenever any person shall be convicted on an indictment for a common nuisance that may be injurious to the public health, the court may, in its discretion, order it to be removed or destroyed, at the expense of the defendant, under the direction of the board of health of the township where the nuisance is found; and the form of the warrant to the sheriff or other officer may be varied accordingly.—(§1702.)

(48.) SEC. 12. Whenever the board of health shall think it necessary for the preservation of the lives or health of the inhabitants

<sup>1</sup> As amended by Act 142 of the Laws of 1859, p. 396. See "Cemeteries in their relation to public health," this compilation, chapter XI.

<sup>2</sup> See act to provide against nuisances, this compilation, chapter V.

to enter any building or vessel in their township, for the purpose of examining into and destroying, removing, or preventing any nuisance, source of filth, or cause of sickness, and shall be refused such entry, any member of the board may make complaint, under oath, to any justice of the peace of his county, whether such justice be a member of such board or not, stating the facts of the case, so far as he has knowledge thereof.— (§1703.)

(49.) SEC. 13. Such justice may thereupon issue a warrant Idem. directed to the sheriff or any constable of the county, commanding him to take sufficient aid, and being accompanied by any two or more members of said board of health, between the hours of sunrise and sunset, to repair to the place where such nuisance, source of filth, or cause of sickness complained of may be, and the same destroy, remove, or prevent, under the direction of such members of the board of health.— (§1704.)

(50.) SEC. 14. The board of health may grant permits for the removal of any nuisance, infected article, or sick person within the limits of their township, when they shall think it safe and proper so to do.— (§1705.) Board may permit removal of infected articles, etc.

#### PRECAUTIONS AGAINST CONTAGION.

(51.) SEC. 15. When any person coming from abroad or residing in any township within this State, shall be infected, or shall lately before have been infected, with the small-pox, or other sickness dangerous to the public health, the board of health of the township where such person may be shall make effectual provision in the manner in which they shall judge best for the safety of the inhabitants, by removing such sick or infected person to a separate house, if it can be done without danger to his health, and by providing nurses and other assistance and necessaries, which shall be at the charge of the person himself, his parents, or other person who may be liable for his support, if able; otherwise, at the charge of the county to which he belongs.— (§1706.) Board to make provision to prevent spread of small-pox, etc.

(52.) SEC. 16. If any such infected person cannot be removed without danger to his health, the board of health shall make provision for him as directed in the preceding section, in the house in which he may be, and in such case they may cause the persons in the neighborhood to be removed, and may take such other measures as they may deem necessary for the safety of the inhabitants.— (§1707.) Provision in case infected persons cannot be removed.

(53.) SEC. 17. The board of health of any township near to or bordering upon either of the neighboring States, may appoint, by writing under their hands, suitable persons to attend any places by which travelers may pass from infected places in other States; and the persons so appointed may examine such passengers as they may suspect of bringing with them any infection which may be dangerous to the public health, and, if need be, may restrain them from traveling until licensed thereto by the board of health of the township to which such persons may come; and any person coming from such infected place, who shall, without license as aforesaid, travel within this state, unless it be to travel by the most Board may restrain travelers coming from infected districts.

direct way to the state from whence he came, after he shall be cautioned to depart by the persons appointed as aforesaid, shall forfeit a sum not exceeding one hundred dollars.—(§1708.)

Removal of  
persons infected.

(54.) SEC. 18. Any two justices of the peace may, if need be, make out a warrant under their hands, directed to the sheriff or any constable of the county, requiring him, under the direction of the board of health, to remove any person infected with contagious sickness, or to take possession of convenient houses and lodgings, and to provide nurses, attendants, and other necessities for the accommodation, safety, and relief of the sick.—(§1709.)

Infected baggage,  
clothing,  
and goods, how  
secured.

(55.) SEC. 19. Whenever, on application of the board of health, it shall be made to appear to any justice of the peace that there is just cause to suspect that any baggage, clothing, or goods of any kind found within the township are infected with any disease which may be dangerous to the public health, such justice of the peace shall, by warrant under his hand, directed to the sheriff or any constable of the county, require him to take with him as many men as the said justice shall deem necessary to secure such baggage, clothing, or other goods, and to post said men as a guard over the house or place where such baggage, clothing, or other goods shall be lodged, which guard shall take effectual care to prevent any person removing or coming near to such baggage, clothing or other goods, until due inquiry be made into the circumstances thereof.—(§1710.)

Impressing  
houses, etc., for  
keeping infected  
goods.

(56.) SEC. 20. The said justice may also, by the same warrant, if it shall appear to him necessary, require the said officer, under the direction of the board of health, to impress and take up convenient houses or stores for the safe keeping of such baggage, clothing, or other goods; and the board of health may cause them to be removed to such houses or stores, or to be otherwise detained, until they shall, in the opinion of said board of health, be freed from infection.—(§1711.)

Power of officer  
executing war-  
rant.

(57.) SEC. 21. Such officer, in the execution of such warrant, shall, if need be, break open any house, shop, or any other place mentioned in said warrant, where such baggage, clothing, or other goods shall be; and he may require such aid as shall be necessary to effect the execution of the warrant; and all persons shall, at the command of any such officer, under a penalty not exceeding ten dollars, assist in the execution of the warrant, if able to do so.—(§1712.)

Charges to be  
paid by owner.

(58.) SEC. 22. The charges of securing such baggage, clothing, or other goods, and of transporting and purifying the same, shall be paid by the owner or owners thereof, at such rates and prices as shall be determined by the board of health.—(§1713.)

Compensation  
for houses,  
nurses, etc.

(59.) SEC. 23. Whenever the sheriff or other officer shall take possession of any houses, stores, lodgings, or other necessities, or shall employ any nurse or attendants, as provided in this chapter, the several parties interested shall be entitled to a just compensation therefor, to be paid by the county in which such person or property shall have been so employed or taken possession of.—(§1714.)



(60.) SEC. 24. Whenever any person confined in any common jail shall be attacked with any disease, which, in the opinion of the physician of the board of health, or of such other physicians as they may consult, shall be considered dangerous to the safety and health of the other prisoners, or of the inhabitants of the township, the board of health shall, by their order in writing, direct the removal of such person to some hospital or other place of safety, there to be provided for and securely kept, so as to prevent his escape, until their further orders; and if such prisoner shall recover from the disease, he shall be returned to such jail.—(§1715.)

When prisoners attacked with dangerous disease may be removed.

(61.) SEC. 25. If the person so removed shall have been committed by order of any court, or under any judicial process, the order for his removal, or a copy thereof, attested by the presiding member of said board of health, shall be returned by him, with the doings thereon, into the office of the clerk of the circuit court for the county; and no prisoner, removed as aforesaid, shall be considered as thereby having committed an escape.—(§1716.)

Prisoners removed, to be returned, and not to be considered as having escaped.

(62.) SEC. 26. Whenever any pestilence or contagious disease shall break out in any county poorhouse in this State, or in the vicinity thereof, and the physician to such county poorhouse, or such other physician as the superintendents may consult, shall certify that such pestilence or disease is likely to endanger the health of the persons supported at such poorhouse, the superintendents of such county poorhouse shall cause the persons there supported, or any of them, to be removed to some other suitable place in the same county, and there to be maintained and provided for at the expense of the county, with all necessary medical attendance and care, until they can safely be returned to such poorhouse, or otherwise discharged.—(§1717.)

When superintendents of poor may remove paupers from poorhouses.

#### QUARANTINE.

(63.) SEC. 27. Any township may establish a quarantine ground in any suitable place, either within or without its own limits: *Provided*, That if such place shall be without its limits, the assent of the township within whose limits it may be established shall be first obtained therefor.—(§1718.)

Township quarantine.

Provido.

(64.) SEC. 28. Any two or more townships may, at their joint expense, establish a quarantine ground for their joint use, either within or without their own limits; *Provided*, That if such place shall be without their limits, they shall first obtain the assent of the township within whose limits the same may be.—(§1719.)

Quarantine for two or more townships.

Provido.

(65.) SEC. 29. The board of health in each township in this state bordering upon Lake Michigan, Lake Superior, Lake Huron, Lake St. Clair, or Lake Erie, or upon any of the principal rivers or straits connecting together any of the said lakes, or bordering upon any navigable waters uniting with any of the said lakes, rivers, or straits, may from time to time establish the quarantine to be performed by all vessels arriving within the limits of such townships, and may make such quarantine regulations as they shall judge necessary for the health and safety of the inhabitants.—(§1720.)

Quarantine in townships bordering on certain lakes, rivers, etc.

Quarantine regulations to extend to persons and goods in vessels.

(66.) SEC. 30. The quarantine regulations so established shall extend to all persons, and all goods and effects, arriving in such vessels, and to all persons who may visit or go on board of the same.—(§1721.)

Penalty for violating quarantine regulations.

(67.) SEC. 31. The said quarantine regulations, after notice shall have been given in the manner before provided in this chapter, shall be observed and complied with by all persons; and any person who shall violate any such regulations shall forfeit a sum not less than five dollars and not more than five hundred dollars.—(§1722.)

Vessels in certain cases to be removed to quarantine ground, etc.

(68.) SEC. 32. The board of health in each township bordering upon any of the lakes, rivers, straits, or other navigable waters hereinbefore mentioned, may at all times cause any vessel arriving within the limits of the township, when such vessel or cargo thereof shall, in their opinion, be foul or infected, so as to endanger the public health, to be removed to the quarantine ground, and to be thoroughly purified, at the expense of the owners, consignees, or persons in possession of the same; and they may also cause all persons arriving in or going on board of such infected vessel, or handling such infected cargo, to be removed to any hospital under the care of the said board of health, there to remain under their orders.—(§1723.)

Master, etc., to answer on oath in regard to infections.

(69.) SEC. 33. If any master, seaman, or passenger, belonging to any vessel, on board of which any infection may then be, or may have lately been, or which may have been at, or which may have come from, any port or place where any infectious disease prevails, that may endanger the public health, shall refuse to answer on oath, to be administered by any member of such board, such questions as may be asked him, relating to such infection or disease, by any member of the board of health of the township to which such vessel may come, such master, seaman, or passenger, so refusing, shall forfeit a sum not exceeding two hundred dollars; and in case he shall not pay such sum, he shall suffer six months' imprisonment.—(§1724.)

Expenses, by whom to be paid.

(70.) SEC. 34. All expenses incurred on account of any person, vessel, or goods, under any quarantine regulations, shall be paid by such person, or by the owner of such vessel or goods, respectively.—(§1725.)

#### SMALL-POX AND OTHER DANGEROUS DISEASES.

Hospitals for reception of persons having small-pox, etc.

(71.) SEC. 35. The inhabitants of any township may establish within their township and be constantly provided with one or more hospitals for the reception of persons having the small-pox, or other disease which may be dangerous to the public health.—(§1726.)

By whom hospitals to be regulated, etc.

(72.) SEC. 36. All such hospitals shall be subject to the orders and regulations of the board of health, or a committee appointed by such board for that purpose; but no such hospital shall be established within one hundred rods of any inhabited dwelling-house situated in an adjoining township, without the consent of such adjoining township.—(§1727.)

Penalty for inoculating with small-pox, except at hospitals.

(73.) SEC. 37. If any person shall inoculate any other person, or inoculate himself, or suffer himself to be inoculated, with the small-pox, unless at some hospital licensed and authorized by law,

he shall, for each offense, forfeit a sum not exceeding two hundred dollars.—(§1728.)

(74.) SEC. 38. When any hospital shall be so established, the physician attending the same, the persons inoculated or sick therein, the nurses, attendants, and all persons who shall approach or come within the limits of the same, and all such furniture and other articles as shall be used or brought there, shall be subject to such regulations as shall be made by the board of health, or of the committee appointed for that purpose.—(§1729.)

Physicians, etc.,  
to be subject to  
regulations of  
board, etc.

(75.) SEC. 39. When the small-pox or any other disease dangerous to the public health shall break out in any township, the board of health shall immediately provide such hospital, or place of reception for the sick and infected, as they shall judge best for their accommodation and the safety of the inhabitants; and such hospitals and places of reception shall be subject to the regulations of the board of health, in the same manner as hereinbefore provided for established hospitals.—(§1730.)

When board of  
health to provide  
hospital.

(76.) SEC. 40. The board of health shall cause such sick or infected persons to be removed to such hospitals or places of reception, unless the condition of the sick person be such as not to admit of removal without danger to life; in which case the house or place where the sick shall remain shall be considered as a hospital to every purpose before mentioned, and all persons residing in or in any way concerned with the same, shall be subject to the regulations of the board of health, as before provided.—(§1731.)

When infected  
persons to be re-  
moved to hospi-  
tal, etc.

(77.) SEC. 41. When the small-pox, or any other disease dangerous to the public health, is found to exist in any township, the board of health shall use all possible care to prevent the spreading of the infection, and to give public notice of infected places to travelers, by such means as in their judgment shall be most effectual for the common safety.—(§1732.)

Board to prevent  
the spread of  
dangerous dis-  
ease.

(78.) SEC. 42. If any physician or other person in any of the hospitals or places of reception before mentioned, or who shall attend, approach, or be concerned with the same, shall violate any of the regulations lawfully made in relation thereto, either with respect to himself, or his or any other person's property, the person so offending shall, for each offense, forfeit a sum not less than ten nor more than one hundred dollars.—(§1733.)

Penalty for vio-  
lating regula-  
tions of hospi-  
tals.

(79.) SEC. 43. Whenever any householder shall know that any person within his family is taken sick with the small-pox, or any other disease dangerous to the public health, he shall immediately give notice thereof to the board of health, or to the health officer of the township in which he resides; and if he shall refuse or neglect to give such notice, he shall forfeit a sum not exceeding one hundred dollars.—(§1734.)

Householders to  
give notice of  
disease; penalty  
for neglect.

(80.) SEC. 44. Whenever any physician shall know that any person whom he is called to visit is infected with the small-pox, or any other disease dangerous to the public health, such physician shall immediately give notice thereof to the board of health or health officer of the township in which such diseased person may be; and every physician who shall refuse or neglect to give such

Penalty on phy-  
sician neglecting  
to give notice.



notice, shall forfeit, for each offense, a sum not less than fifty nor more than one hundred dollars.—(§1735.)

Inoculation with cow-pox.

(81.) SEC. 45. Every township may, at any meeting, make suitable provision for the inoculation of the inhabitants thereof, with the cow-pox, under the direction of the board of health or the health officer of the township, and they shall raise all necessary sums of money to defray the expenses of such inoculation, in the same manner that other township charges are defrayed.—(§1736.)

#### OFFENSIVE TRADES.

Places may be assigned for carrying on offensive trades.

(82.) SEC. 46. The township board of every township, the president and trustees, or council, of every village, and the mayor and aldermen of every city, respectively, when they shall judge it necessary, shall, from time to time, assign certain places for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and they shall forbid the exercise thereof in places not so assigned; and all such assignments shall be entered in the records of the township, village, or city, and they may be revoked when the said township, village, or city officers may think proper.—(§1737.)

When places become a nuisance, assignment may be revoked, etc.

(83.) SEC. 47. When any place or building so assigned shall become a nuisance by reason of offensive smells or exhalations proceeding therefrom, or shall become otherwise hurtful or dangerous to the neighborhood, or to travelers, and the same shall be made to appear on a trial, or the admission of the person exercising such trade or employment, before the circuit court for the county, upon a complaint made by the board of health, or by any other person, the said court may revoke such assignment, and prohibit the further use of such place, or building, for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.—(§1738.)

Action on the case for damages.

(84.) SEC. 48. Any person injured, either in his comfort or the enjoyment of his estate, by any such nuisance, may have an action on the case for the damages sustained thereby, in which action the defendants may plead the general issue and give any special matter in evidence.<sup>1</sup>—(§1739.)

#### BOARDS OF HEALTH IN CITIES AND VILLAGES.

Who to constitute board in cities and villages.

(85.) SEC. 49. The mayor and aldermen of each incorporated city, and the president and council, or trustees, of each incorporated village in this state, shall have and exercise all the powers and perform all the duties of a board of health, as provided in this chapter, within the limits of the cities or villages, respectively, of which they are such officers.—(§1740.)

Equity jurisdiction in case of nuisance, etc. Walk. Ch. 112.

(86.) SEC. 5. The circuit court for any county shall have equity jurisdiction in all matters concerning nuisances, where there is not a plain, adequate, and complete remedy at law, and may grant injunctions to stay or prevent nuisances.—(§6377.)

<sup>1</sup> For provisions of law relating to actions under this section, see Compiled Laws, pp. 1796-7. Consecutive section 86, being part of the same act, p. 1797, is given.

#### IV. SANITARY PROVISIONS RELATING TO CITIES AND VILLAGES.<sup>1</sup>

##### CITIES.<sup>2</sup>

###### CHAPTER XI.—GENERAL POWERS OF CITY CORPORATIONS.

(87.) SECTION 1. Every city incorporated under the provisions of this act, shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned; and the council may pass such ordinances in relation thereto, and for the exercise of the same, as they may deem proper, viz.:

Powers and authority, and exercise thereof.

*Third.* To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances, and to punish those occasioning them, or neglecting or refusing to abate, discontinue, or remove the same; and generally to determine and declare what shall be deemed nuisances;

To abate nuisances.

*Eighteenth.* To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat, and other provisions;

Inspection of certain provisions.

*Twenty-second.* To regulate the construction, repair, and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

Vaults, cisterns, etc.

*Twenty-fifth.* To provide for clearing the rivers, ponds, and streams of the city, and the races connected therewith, of all drift wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome, and offensive;

To preserve purity of streams, etc.

*Twenty-sixth.* To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer, or other offensive, nauseous, or unwholesome place or house, to cleanse, remove, or abate the same whenever the council shall deem it necessary for the health, comfort, or convenience of the inhabitants of said city;

Relative to certain shops and offensive places.

*Twenty-seventh.* To regulate the keeping, selling, and using of gunpowder, fire-crackers and fire-works, and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;

Keeping and selling of gunpowder, etc.

*Twenty-eighth.* To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the

To regulate drains, cellars, etc.

<sup>1</sup> General acts for the incorporation of cities and villages were passed by the Legislature at the session of 1873. The adverse decision of the Supreme Court (*Shumway vs. Bennett*, 29 Mich., 451) declared void the village incorporation act, but the act for the incorporation of cities remains. A general act for the incorporation of villages was passed in 1857 (C. L., p. 1112), and a further act, applicable to "all villages hereafter incorporated," was passed at the session of 1875 (Laws of 1875, p. 57). Under this head are given the provisions relating to cities in the act of 1873, and those relating to villages in the act of 1875, with references to the village act of 1857.

<sup>2</sup> Laws of 1873, p. 296, and following.

owner or occupant to fill up, drain, cleanse, alter, relay, or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon.

CHAPTER XIV.—PUBLIC HEALTH.

Provisions for protection of.

(88.) SECTION 1. The council of any city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious, or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe, or the public safety may require.

Abatement of nuisances dangerous to health.

(89.) SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice, and within such time, and in such manner as the council may by ordinance or resolution direct.

Cleaning or draining of unwholesome places.

(90.) SEC. 3. If any cellar, vault, lot, sewer, drain, place, or premises within the city shall be damp, unwholesome, offensive, or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant or person in charge of such lot, premises, or place, to perform such duty; and may require the owner or occupant of any building, fence, or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same; or the council may cause the same to be done by the proper officers of the city.

Removal of dangerous structures.

Collection of expense of removals, etc., by city in cases of neglect.

(91.) SEC. 4. If any person, corporation, or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation, or company. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place, or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such ex-



pense, charge the same or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

(92.) SEC. 5. The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

Assignment of location for carrying on offensive or dangerous business.

(93.) SEC. 6. The council may purchase the necessary lands, and erect thereon, or otherwise provide, one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants, or employees, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and, by direction of the council or board of health, persons having any malignant, infectious, or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment of hospitals and detention of persons having contagious diseases.

(94.) SEC. 7. The council of any city incorporated under this act shall also have and exercise within and for the city, all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act; and they may enact such ordinance as may be proper for regulating the proceedings and mode of exercising such powers and authority.

Council vested with powers as boards of health.

(95.) SEC. 8. The council when deemed necessary may establish a board of health for the city, and appoint the necessary officers thereof, and provide rules for its government, and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city; and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act. And the council may prescribe penalties for the violation of any lawful order, rule, or regulation made by the board of health or any officers thereof.

Establishment of boards of health and their authority.

#### CHAPTER XV.—CEMETERIES.

(96.) SECTION 1. Any city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be

Acquisition and regulation as to interments, etc.

necessary for the public welfare and suitable for the convenience of the inhabitants. And may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

## CHAPTER XIX.—MARKETS.

Erection and regulation of market-houses, etc.

(97.) SECTION 1. The council of any city shall have the power to erect market-houses, establish and regulate markets and market-places, for the sale of meats, fish, vegetables, and other provisions and articles necessary to the sustenance, convenience, and comfort of the inhabitants; to prescribe the times for opening and closing the same; the kind and description of articles which may be sold; and the stands and places to be occupied by the vendors.

Rules to prevent fraud, etc., and to preserve order.

(98.) SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud, and to preserve order in the markets; and may authorize the immediate seizure, arrest, and removal from the market, of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

## CHAPTER XX.—PUBLIC BUILDINGS, GROUNDS, AND PARKS.

Acquisition, use and disposition of.

(99.) SECTION 1. Any city may acquire, purchase, and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public buildings, and other purposes necessary or convenient for the public good, and the execution of the powers conferred in this act; and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged, and disposed of as occasion may require.

Of hospitals, work-houses, water-works, etc., outside city limits.

(100.) SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works, and other necessary public uses, may be purchased, erected, and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the city limits, and over such lands, buildings, and property, in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses, or hospitals.

Of parks within city.

(101.) SEC. 3. The council shall have authority to lay out, establish, and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light, and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachment, and injury, and from all nuisances.

## CHAPTER XXI.—SEWERS, DRAINS, AND WATER-COURSES.

(102.) SECTION 1. The council of any city may establish, construct, and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

(103.) SEC. 2. If the council shall deem it expedient, they may establish a board of sewer commissioners for the city, consisting of not less than three, nor more than five persons, to have the management of the sewers and the charge of their construction; and may by ordinance prescribe their powers, compensation, terms of office, and duties.

(104.) SEC. 3. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city, or for such part thereof as they shall determine.

(105.) SEC. 4. Such plan shall, in the discretion of the council, be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plans or diagrams of such plan, when adopted, shall be filed in the office of the city clerk.

(106.) SEC. 5. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

(107.) SEC. 6. The council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk in the book of sewer records.

(108.) SEC. 7. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer or of the cost of any lateral, branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to



the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Diagram and estimate of cost of sewers to be built.

(109.) SEC. 8. Before proceeding to the construction of any district sewer, the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer; and the depth, grade, and dimensions thereof, and shall procure an estimate of the cost thereof. And they shall give notice, by publication for at least two weeks, in one of the newspapers of the city, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

Notice of intention to construct sewers.

Determination to construct district sewer declared by resolution.

(110.) SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof, mentioned in the preceding section, the route and location, grade, and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk, in the book of sewer records.

Apportionment of expenses.

Record of plat.

Special assessments for sewers.

(111.) SEC. 10. Special assessments for the construction of sewers shall be made by the board of assessors in the manner provided in this act for making special assessments.

Formation of sewer districts on petition.

(112.) SEC. 11. When the owners of a majority of the lands liable to taxation in any sewer district or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Ordering construction of private drains.

(113.) SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Expenses thereof.

Connection of premises, etc., with public sewers.

(114.) SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the council shall prescribe.

(115.) SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain: and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Owners of such premises to pay an annual fee therefor.

(116.) SEC. 15. Such part of the expenses of providing ditches and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

Special assessments for ditches, etc.

(117.) SEC. 16. The expenses of repairing public sewers, ditches, and water-courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

Expenses of repairing and reconstructing.

(118.) SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Protection and control of public sewers, etc.

#### CHAPTER XXII.—STREETS AND PUBLIC GROUNDS.

(119.) SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the city, and shall cause the same to be kept in repair, and free from nuisance.

Control and repairing of.

(120.) SEC. 14. The council may regulate the making of all openings in, and removals of, the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Digging in streets for laying of gas-pipes, etc.

(121.) SEC. 15. The council may regulate the use of the public highways, streets, avenues, and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay, and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements, and banners, awning-posts and telegraph poles, in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings, and gathering of crowds in the streets as may interfere with the lawful use thereof; or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese, and other domestic animals or fowls in the streets, or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs

Regulations as to use of streets.

Stands for vehicles.

Wood and hay market, etc.

Signs, etc.

Immoderate driving.

Gathering of crowds.

Running at large of animals and fowls.

Cleaning of streets and removing nuisances.

General police authority over streets.

found at large contrary to the ordinances of the city; to cleanse and purify the streets; and to prohibit, prevent, remove, and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets, as may be necessary to secure good order and safety to persons and property in the lawful use thereof; and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

#### CHAPTER XXIII.—SIDEWALKS.

Removal of snow, ice, etc.

(122.) SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Proceedings in cases of neglect.

(123.) SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such time and such manner as the council shall require, the council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby, shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Expense a tax on property.

Regulations as to placing of signs, awnings, etc.

(124.) SEC. 5. The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same; and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the walk.

#### CHAPTER XXIX.—FIRE DEPARTMENT.

Location of shops, lumber yards, etc.

(125.) SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards; and the storing of lumber, wood, or other easily inflammable material, in open places, when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the

Storing of gunpowder, etc.

storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings; and, generally, may pass and enforce such ordinances, and regulations as they may deem necessary for the prevention and suppression of fires.



VILLAGES.<sup>1</sup>CHAPTER VII.—POWERS OF COUNCIL.<sup>2</sup>

(126.) SECTION 1. Every village subject to the provisions of this act shall, in addition to such other powers as are conferred, have the general power and authority granted in this chapter, and the council may pass such ordinances in relation thereto as they may deem proper, namely:

Powers and authority, and exercise thereof.

*Third,* To abate nuisances, and preserve the public health;

*Eleventh,* To provide for and regulate the inspection of provision, firewood, and hay, on the public markets;

*Fourteenth,* To regulate or prohibit the selling or storing of combustible or explosive materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village;

*Fifteenth,* To purchase and regulate cemeteries.

(127.) SEC. 2. The council of any village may make such provisions as they shall deem expedient, for the support and relief of poor persons residing in the village.

(128.) SEC. 5. When the council shall deem it for the public interest, grounds and buildings for the village prison, hospital, pest-house, cemetery, and water-works may be purchased, erected, and maintained beyond the corporate limits of the village; and in such cases the council shall have authority to enforce beyond the corporate limits of the village, and over such lands, buildings, and property, in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest-house, or hospital.

Prison, pest-house, etc., beyond corporate limits.

(129.) SEC. 9. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time, as the council shall by ordinance or resolution prescribe, and to keep the same free from obstructions, snow, ice, filth, or any nuisance.

Council may require owners of lots to construct sidewalks adjacent thereto.

(130.) SEC. 10. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last section, the council may cause such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

In case of failure council may construct.

Expense of same.

<sup>1</sup> See Act of 1857, for the incorporation of villages by boards of supervisors (C. L. pp. 1112 to 1124). Also acts following, pp. 1124 to 1127, for planting shade and ornamental trees, and for the introduction of water. See also act of 1869 (C. L. pp. 1128 to 1135), and amendment on p. 2, Laws of 1878, providing for the introduction of water into towns, cities, and villages. The powers contemplated by these acts relate more or less directly to the public health, although it is worthy of note that no reference is made in them to health considerations.

<sup>2</sup> Laws of 1875, pp. 68, 69, 70.

Signs, awnings,  
etc.

(131.) SEC. 11. The council shall have power to regulate and prohibit the placing of signs, awnings, awning-posts, and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same.

Council may es-  
tablish streets,  
sidewalks,  
water-courses,  
etc.

(132.) SEC. 12. The council shall have power to lay out and establish, open, make, and alter such streets, lanes, and alleys, sidewalks, highways, water-courses, and bridges as they may deem necessary for the public convenience. \* \* \*

## V. OFFENSES AGAINST THE PUBLIC HEALTH.

Mass. R. S. Ch.  
131.

Chapter one hundred and fifty-nine of Revised statutes of 1946.

Selling un-  
wholesome pro-  
visions without  
notice.

(133.) SECTION 1. If any person shall knowingly sell any kind of diseased, corrupted, or unwholesome provisions, whether for meat or drink, without making the same fully known to the buyer, he shall be punished by imprisonment in the county jail not more than six months, or by fine not exceeding two hundred dollars.—(§7726.)

Adulterating  
food or liquors.  
Mass. R. S. Ch.  
131.

(134.) SEC. 2. If any person shall fraudulently adulterate, for the purpose of sale, any substance intended for food, or any wine, spirits, malt liquor, or other liquor intended for drinking, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding three hundred dollars, and the article so adulterated shall be forfeited and destroyed.—(§7727.)

Adulterating  
drugs or medi-  
cines.  
Mass. R. S. Ch.  
131.

(135.) SEC. 3. If any person shall fraudulently adulterate, for the purpose of sale, any drug or medicine, in such manner as to render the same injurious to health, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, and such adulterated drugs and medicines shall be forfeited and destroyed.—(§7728.)

Penalty on phy-  
sician prescrib-  
ing poison, etc.,  
while intoxi-  
cated.

(136.) SEC. 4. If any physician or other person, while in a state of intoxication, shall prescribe any poison, drug, or medicine, to another person, he shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.—(§7729.)

Penalty for neg-  
lecting to label  
certain sub-  
stances.

(137.) SEC. 5. Every apothecary, druggist, or other person who shall sell and deliver at retail, any arsenic, corrosive sublimate, prussic acid, or any other substance or liquid usually denominated poisonous, without having the word "poison," and the true name thereof, and the name of some simple antidote, if any is known, written or printed upon a label attached to the vial, box, or parcel containing the same, shall be punished by a fine not exceeding one hundred dollars.<sup>1</sup>—(§7730.)

<sup>1</sup> As amended by Act 74, Laws of 1873, p. 86.

## ACT FOR THE BETTER REGULATION OF THE SALE OF POISONS.

Laws of 1868, p. 182. Approved March 17, 1868.

(138.) SECTION 1. *The People of the State of Michigan enact*, That every apothecary, druggist, or other person who sells any arsenic, strychnine, corrosive sublimate, prussic acid, or other poison, shall keep a record of the date of such sale, the article and amount thereof sold, and the person or persons to whom delivered, and their residence; which record shall be open to the inspection of any police officer or physician during the business hours of each day. And each and every neglect to keep such record, as herein provided, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.—(§7732.)

Duty of apothecaries, etc., in the sale of poisons.

Penalty for neglect thereof.

(139.) SEC. 2. The giving a false or fictitious name to the apothecary, druggist, or other person from whom such poison was purchased, shall be deemed a misdemeanor, and the person or persons guilty thereof shall, upon conviction thereof, be liable to a fine not exceeding fifty dollars.—(§7733.)

Penalty for giving a false name.

## ACT TO PROVIDE AGAINST NUISANCES.

Laws of 1867, p. 98. Approved March 20, 1867.

(140.) SECTION 1. *The People of the State of Michigan enact*, That if any person or persons shall put any dead animal or part of the carcass of any dead animal, into any lake, river, creek, pond, road, street, alley, lane, lot, field, meadow, or common, or in any place within one mile of the residence of any person or persons, except the same and every part thereof be buried at least two feet under ground, and if the owner or owners thereof shall knowingly permit the same to remain in any of the aforesaid places, to the injury of the health, or to the annoyance of the citizens of this state, or any of them, every person so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum not less than five dollars nor more than ten dollars, together with the costs of prosecution, and in default in the payment thereof, shall be imprisoned in the county jail of the county in which such conviction may be had, not exceeding ten days, to be imposed by any court of competent jurisdiction; and every twenty-four hours said owner may permit the same to remain after such conviction, shall be deemed an additional offense against the provisions of this act, and upon conviction thereof shall forfeit and pay a further sum of not less than ten dollars and not more than thirty dollars, together with the costs of prosecution, to be recovered as aforesaid, and in default in the payment thereof, be imprisoned as aforesaid not more than thirty days, or be punished by both such fine and imprisonment, in the discretion of the court.—(§7734.)

Burial of dead animals.

Penalty of neglect.

Additional offense.

Penalty.



VI. INSPECTION OF PROVISIONS AND SALT.<sup>1</sup>

Chapter thirty of Revised Statutes of 1846.

Inspectors may  
be elected.  
17 Mich. 493.

(141.) SECTION 1. There may be elected in each of the organized counties in this state, as the public convenience and necessity may require, inspectors of the following articles, namely: beef and pork, butter and hogs' lard, fish, flour, and meal, leather, and pot and pearl ashes; and such inspectors shall hold their offices, respectively, for the term of four years, unless sooner removed by the board of supervisors for misconduct in office.—(§1360.)

Oath and bond.

(142.) SEC. 2. Each inspector shall, before entering on the duties of his office, take and subscribe the oath of office prescribed by the twelfth<sup>2</sup> article of the constitution of this state, and cause the same to be filed in the office of the clerk of the county for which he shall be elected, and shall also give bond, with sufficient sureties, as hereinafter provided.—(§1361.)

Deputies.

(143.) SEC. 3. Each inspector shall appoint one or more deputy inspectors, removable at his pleasure, in each township within his county, where he shall deem it necessary, for whose official conduct he shall be responsible; and they shall give bonds with sufficient sureties to him, in a penal sum not exceeding five hundred dollars each, and shall take and subscribe the constitutional oath of office, and cause the same to be filed in the office of the clerk of the county within which they shall be appointed.—(§1362.)

## BEEF AND PORK.

Bond of inspectors of beef and pork.

(144.) SEC. 4. Each inspector of beef and pork shall, before entering upon the duties of his office, give bond with sufficient sureties, to the treasurer of this state, in the penal sum of one thousand dollars; which bond shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected.—(§1363.)

Annual returns.

(145.) SEC. 5. Each inspector of beef and pork shall, annually, in the month of December, make a return to the secretary of state, of the whole number of barrels and half-barrels of beef and pork so inspected by him and his deputies during the year preceding the first day of December in the year when such return is made, designating therein the different sorts, and the places at which the same was inspected.—(§1364.)

Quality of barrels and weight of contents.

(146.) SEC. 6. All barrels in which beef or pork shall be packed shall be made of good, seasoned white oak, or white ash staves and heading, free from any defect; and each barrel shall contain two hundred pounds of beef or pork.—(§1365.)

<sup>1</sup> The inspection of provisions, has presumably, two principal objects: A regard for the lives and health of the people, and the convenience and protection of commerce. The last has no proper place in the compilation of the health laws, but is included here owing to the difficulty of separation. Those portions only of the salt inspection act are given that bear more immediately upon the duties of inspection and the qualities of salt.

<sup>2</sup> Article 18 of the present constitution.

(147.) SEC. 7. Such barrels shall measure seventeen and a half inches between the chimes, and be twenty-nine inches long, and be hooped with at least twelve good, hickory, white oak, or other suitable hoops; and if the barrel be made of white ash staves, it shall be hooped with at least fourteen such hoops. The staves and heads shall be made of a proper thickness, and the hoops shall be well set and driven together.—(§1366.) Barrels, how made.

(148.) SEC. 8. The half-barrels in which any beef or pork shall be packed shall contain not less than fifteen nor more than sixteen gallons, and made in proportion to and of the like materials as a whole barrel, and shall contain one-half of the quantity of beef and pork of the whole barrel.—(§1367.) Half-barrels.

(149.) SEC. 9. No beef shall be branded by an inspector, as hereinafter mentioned, unless it be of fat cattle, not under three years old; and all such beef shall be cut into pieces as nearly square as may be, and of not more than twelve nor less than four pounds in weight.—(§1368.) Quality, etc., of beef.

(150.) SEC. 10. All beef shall be sorted and divided for packing, or repacking, in barrels or half-barrels, into three sorts, to be denominated "mess," "prime," and "cargo" beef.—(§1369.) Denominations of beef.

(151.) SEC. 11. Mess beef shall consist of the choice pieces of such cattle as are large and well fattened, without hocks, shanks, clods, or necks, and may or may not contain two choice rounds out of the same cattle, not exceeding ten pounds each; and each barrel or half-barrel containing beef of this description, shall be branded on one of the heads with the words, "Mess beef."—(§1370.) Mess beef.

(152.) SEC. 12. Prime beef shall consist of choice pieces of good fat cattle, of which there shall not be in a barrel more than one-half of a neck, nor more than two shanks, with the hocks cut off of the hind legs, at the smallest place above the joints; and each barrel and half-barrel containing beef of this description shall be branded on one of the heads with the words, "Prime beef."—(§1371.) Prime beef.

(153.) SEC. 13. Cargo beef shall be of fat cattle, with a proportion of good pieces, and not more than one-half of a neck, and three shanks, with the hocks cut off in the same manner as in prime in a barrel, and shall be otherwise merchantable; and each barrel and half-barrel of beef of this description shall be branded on one of the heads with the words, "Cargo beef."—(§1372.) Cargo beef.

(154.) SEC. 14. Every barrel of beef shall be well salted with good clean salt, equal to seventy pounds of Turk's Island salt, exclusive of a strong, new pickle; and to each barrel shall be added four ounces of saltpetre; and every half-barrel shall be salted in the same proportion, and two ounces of saltpetre shall be added thereto.—(§1373.) How salted.

(155.) SEC. 15. On one head of every barrel and half-barrel of merchantable beef and pork inspected and packed, shall be distinctly branded the weight it contains, with the first letter of the Christian name, and the surname at full length, of the inspector, or deputy, who shall have inspected the same, the word "Michigan," and the name of the county, and the year in which the same was inspected and branded.—(§1374.) How branded.

- When not to be branded.** (156.) SEC. 16. No beef or pork shall be branded by an inspector except such as shall be sweet and wholesome, and except the same be packed in casks of the dimensions hereinafter prescribed.—(§1375.)
- Denominations of pork.** (157.) SEC. 17. There shall be four qualities of pork. The first quality shall be denominated "mess pork," and shall consist of the sides of good fat hogs, exclusive of all other pieces; and each barrel or half-barrel of pork of this description shall be branded on one of its heads with the words, "Mess pork."—(§1376.)
- Mess pork.**
- Prime pork.** (158.) SEC. 18. The second quality of pork shall be denominated "prime pork," of which there shall not be in a barrel more than three shoulders, the legs being cut off at the knee joint, nor more than twenty-four pounds of heads which shall have the ears and snouts cut off; such snouts to be cut off at the opening of the jaws, and the brains and all impure matter to be taken out of the heads; and the rest of the pork necessary to constitute a brand of prime pork shall be made up of side pieces, neck, and tail pieces, and on one head of every such barrel or half-barrel, shall be branded the words, "Prime pork."—(§1377.)
- One-hog pork.** (159.) SEC. 19. The third quality of pork shall be denominated "one hog pork," of which there shall not be in a barrel more than two hams, two shoulders, one neck, one rump, and one head, with the ears and snout cut off, and the brains and all impure matter taken out; and the rest of the pork to make up the barrel shall consist of good side pieces; and each barrel of pork of this description shall be branded with the words "One-hog pork," on one head thereof.—(§1378.)
- Cargo pork.** (160.) SEC. 20. The fourth quality of pork shall be denominated "cargo pork," of which there shall not be in a barrel more than thirty pounds of head, nor more than four shoulders, and it shall otherwise be merchantable pork; and one head of every such barrel or half-barrel of such pork, shall be branded with the words, "Cargo pork."—(§1379.)
- How salted.** (161.) SEC. 21. Every barrel of pork shall be well salted with good clean salt, equal to seventy pounds of good Turk's Island salt, exclusive of a strong, new pickle; and every half-barrel shall be salted in the same proportion.—(§1380.)
- Fees for inspection.** (162.) SEC. 22. The inspectors and their deputies shall be paid the following, and no other fees, for inspecting and branding all casks of beef and pork, and giving a certificate thereof, to wit: For every barrel, fifteen cents, and for every half-barrel, ten cents; which charges shall be paid by the person employing the inspector, together with the sum of twenty-five cents for each barrel, and fifteen cents for each half-barrel, for packing and coopering the same, if done by him.—(§1381.)
- Penalty for neglect or fraud.** (163.) SEC. 23. If any inspector or deputy inspector shall unreasonably neglect or refuse to inspect or brand, on application made to him for that purpose, or shall be guilty of any neglect or fraud in inspecting, packing, or branding any casks of beef or pork, contrary to the provisions of this chapter, or shall mark with his brands any casks containing beef or pork which has not been actually inspected, he shall forfeit the sum of ten dollars for each offense.—(§1382.)



(164.) SEC. 24. If any person other than an inspector or deputy inspector shall brand any cask of beef or pork as having been inspected, he shall forfeit a sum not exceeding twenty dollars for each cask so unlawfully branded.—(§1383.) Unlawful branding, penalty for.

(165.) SEC. 25. If any person shall, with intent to defraud, intermix, take out, or change any beef or pork from any cask inspected or branded as aforesaid, or shall put into such cask any other beef or pork for sale or exportation, contrary to the provisions of this chapter, he shall forfeit for each offense a sum not exceeding twenty dollars.—(§1384.) Penalty for intermixing.

SEC. 26.<sup>1</sup>

#### BUTTER AND HOGS' LARD

(166.) SEC. 27. Each inspector of butter and hogs' lard shall, before entering upon the duties of his office give bond, with sufficient sureties to the treasurer of this state, in the penal sum of five hundred dollars; which bond shall be approved by the county clerk, and lodged with the treasurer of the county for which such inspector is elected.—(§1385.) Inspectors of butter, etc., to give bond.

(167.) SEC. 28. Each of the inspectors of butter and lard shall, annually, in the month of December, make a return to the secretary of state, of the whole number of casks, the different qualities, and the weight of each quality of butter and lard inspected by him and his deputies during the year next preceding the first day of said December.—(§1386.) Annual returns.

(168.) SEC. 29. The inspectors or their deputies shall examine casks, kegs, and firkins containing butter or hogs' lard, on application made by any person, and shall, with a proper instrument, perforate the contents of such casks, kegs, or firkins, from one head to the other, and thereby draw out so much as shall determine the quality of the whole; and they shall see that it has been preserved with a due proportion of good fine salt, that it is sweet and pure, and otherwise merchantable.—(§1387.) Made of making inspection.

(169.) SEC. 30. Each cask, keg, or firkin of butter or hogs' lard, which appears to be good and merchantable, shall be branded in plain and legible characters, with the word "Butter," or "Hogs' lard," as the same may be, and "First," or "Second," or "Third," according to its quality; and all other butter or hogs' lard shall be branded with the word "Refuse."—(§1388.) Keg or firkin, how branded.

(170.) SEC. 31. Each cask, keg, or firkin of butter or hogs' lard shall also be branded with the weight of the contents thereof, and with the word "Michigan," the name of the township where it shall be inspected, the initial letter of the inspector or deputy's Christian name, and the whole of his surname, and the month and year in which the same may be inspected; and where the name of the month consists of more than one syllable, it may be abbreviated.—(§1389.) Idem.

(171.) SEC. 32. All casks, kegs, or firkins, in which butter or hogs' lard shall be packed for exportation, shall be made of sound Casks, how made.

<sup>1</sup> Repealed by Act 225 of 1850, p. 231.

and well seasoned white oak or white ash staves and heading, full bound with oak, ash, or walnut hoops.—(§1390.)

**How prepared.** (172.) SEC. 33. Each cask, keg, or firkin, before any butter or hogs' lard shall be packed therein, shall be filled with a strong brine, which shall remain therein three days, and as soon as the brine is emptied from the cask, keg, or firkin, it shall be weighed by the owner of such butter or hogs' lard, who shall, with a marking iron, mark on one of the heads thereof the full weight of the cask, keg, or firkin, and shall brand thereon the initial letter of his Christian name and the whole of his surname.—(§1391.)

**Fees for inspection.** (173.) SEC. 34. The inspector, or any deputy, for his services in inspecting, branding, weighing, and delivering to the owner an invoice or weigh-note, under his hand, of the weight of each cask, keg, or firkin, shall receive five cents for each cask, keg, or firkin, to be paid by the person employing him.—(§1392.)

**Penalty for neglect or delay.** (174.) SEC. 35. If any inspector or deputy inspector shall, on application made for the inspection of any butter or hogs' lard, as aforesaid, unreasonably neglect, refuse, or delay to proceed to such inspection and branding for the space of three hours after application made to him, he shall, for each offense, forfeit the sum of five dollars.—(§1393.)

**Penalty for counterfeiting brand, etc.** (175.) SEC. 36. If any person shall counterfeit any brand used by any inspector or deputy inspector, or if any person shall make use of any such counterfeit brand, or of the brand of any inspector or deputy, to impress or brand any cask, keg, or firkin of butter or hogs' lard, he shall forfeit for each offense the sum of ten dollars; and if any owner of butter or hogs' lard shall falsely mark any cask, keg, or firkin thereof, or cause the same to be falsely marked, he shall forfeit the sum of three dollars for each offense.—(§1394.)

**Penalty for intermixing.** (176.) SEC. 37. If any person shall, with intent to defraud, intermix, take out, or change any butter or hogs' lard, from any cask, keg, or firkin inspected and branded as aforesaid, or shall put into such cask, keg, or firkin, any other butter or lard for sale or exportation, without first cutting out the said brands and marks, the person so offending shall, for each such cask, keg, or firkin, forfeit the sum of ten dollars.—(§1395.)

#### FISH.

**Inspectors of fish to give bond.** (177.) SEC. 38. Each inspector of fish, before entering upon the duties of his office, shall give bond, with sufficient sureties, to the treasurer of this state, in the penal sum of one thousand dollars; which bond shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected.—(§1396.)

**Annual returns.** (178.) SEC. 39. Each inspector of fish shall, annually, in the month of December, make a return to the secretary of state, of the quantity of fish inspected by him and his deputies during the year next preceding the first day of said December; and in each return he shall specify the different kinds and qualities, and the quantity of each quality so inspected.—(§1397.)

(179.) SEC. 40. The inspector and his deputies shall, on application made to them for that purpose, proceed to examine any pickled fish submitted for inspection, and shall see that the same have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint, or damage; and such fish as shall be found in good order, and of a good quality, shall be packed, either in barrels containing two hundred pounds, or in half-barrels containing one hundred pounds.—(§1398.) Inspection.

(180.) SEC. 41. Such fish shall be packed with good, clean salt, suitable for the purpose, and after packing said fish with sufficient salt to preserve them, and heading said casks, they shall be filled up with a clean, strong pickle; and the fish denominated white-fish, of good quality, properly cleaned, and in good order, may be packed as aforesaid, without having been previously salted or pickled.—(§1399.) How packed.

(181.) SEC. 42. Each cask shall be filled with fish of one and the same kind; and the inspectors and their deputies shall brand, in plain, legible letters, on the head of each cask of fish inspected by them respectively, "Number one," or "Number two," representing the quality of the fish packed or repacked. He shall also brand on one head of each cask, the denomination of the fish, the initials of the Christian name and the whole of the surname of the inspector or deputy, the name of the county in which such fish are inspected, the word "Michigan," and the month and year of the inspection.—(§1400.) Denominations, and how branded.

(182.) SEC. 43. If any person, with intent to defraud, shall intermix, take out, or change any inspected fish, which shall be packed and branded as aforesaid, or shall put any other fish in any cask so branded, for sale or exportation, or if any person shall counterfeit any brand marks of any inspector or deputy, on any cask containing fish, he shall forfeit fifteen dollars for each offense.—(§1401.) Penalty for frauds.

(183.) SEC. 44. All casks used for packing and repacking pickled fish shall be made of sound, well-seasoned, white, red, or black oak, white ash, or white pine timber. The barrels and half-barrels shall be well hooped, with at least ten good hoops each, and shall be made in a substantial, workmanlike manner.—(§1402.) Casks, how made.

(184.) SEC. 45. The fees for inspecting and branding shall be, for each barrel, ten cents, and for each half-barrel, six cents; and for overhauling, inspecting, repacking, and branding, for each barrel, twenty cents, and for each half-barrel, twelve cents, exclusive of cooperage; which fees shall be paid by the person employing the inspector.—(§1403.) Fees of inspectors of fish.

(185.) SEC. 46. If any person shall sell within this state, or shall export, or cause to be exported therefrom, any tainted or otherwise damaged fish, unless with the intent that the same shall be used for some other purpose than as food, he shall forfeit the sum of ten dollars for every one hundred pounds of such fish, and in the same proportion for any other quantity thereof; and upon any trial in such case, the burden of proof shall be upon the defendant, to show for what purpose such fish were so exported or sold.—(§1404.) Penalty for selling or transporting tainted fish, etc.



Penalty for branding without inspecting.

(186.) SEC. 47. If any inspector or deputy inspector of fish shall brand any cask of fish, the contents of which he has not duly inspected and ascertained to be good, or if he shall permit any other person to use his brand, in violation or evasion of the provisions of this chapter, he shall forfeit, for each offense, the sum of twenty dollars, and shall also be removed from office.—(§1405.)

#### FLOUR AND MEAL.

Bond of inspector of flour and meal.

(187.) SEC. 48. Each inspector of flour and meal, before entering upon the duties of his office, shall give bond, with sufficient sureties, for the faithful performance of the duties of his office, in the penal sum of one thousand dollars, which shall be approved by the county clerk and lodged with the treasurer of the county for which such inspector is elected.—(§1406.)

Annual returns.

(188.) SEC. 49. Each inspector of flour and meal shall, annually, in the month of December, make a return to the secretary of state, of the quantities and qualities of flour and meal inspected by him and his deputies during the year preceding the first day of said December.—(§1407.)

How packed.

(189.) SEC. 50. All wheat flour, rye flour, and buckwheat meal, manufactured in this state for sale or exportation, shall be packed in good and strong casks, made of seasoned oak or other sufficient timber, and hooped with at least ten good and substantial hoops, three of which shall be on each chime, and properly nailed.—(§1408.)

Sizes and capacity of casks.

(190.) SEC. 51. The casks shall be of two sizes, one of which shall contain one hundred and ninety-six pounds of flour or meal, with staves twenty-seven inches in length, and each head sixteen and one-half inches in diameter; the other size shall contain ninety-eight pounds, with staves twenty-two inches long, and each head fourteen inches in diameter.—(§1409.)

Casks, how made and branded.

(191.) SEC. 52. The casks shall be made as nearly straight as may be, and their tare shall be accurately marked on one head with a marking iron, and they shall also be branded with the weight of the flour or meal contained therein, and with the initials of the Christian and the whole of the surname of the manufacturers thereof, except when such flour or meal shall be manufactured by a company, when the cask may be branded with the name of such company.—(§1410.)

Brands of wheat flour.

(192.) SEC. 53. Every such cask of wheat flour shall also be branded as follows, namely: If of a superior quality, "Superfine;" if of a second quality, "Fine;" if of a third quality, "Fine middlings;" if of a fourth quality, "Middlings."—(§1411.)

Of rye flour, etc.

(193.) SEC. 54. Each cask of rye flour of the first quality shall be branded with the words "Superfine rye flour," and each cask of the second quality, with the words "Fine rye flour," and each cask of buckwheat meal shall be branded with the words "B. meal."—(§1412.)

Application for inspection, etc.

(194.) SEC. 55. When the flour or meal has been packed and branded according to the preceding provisions, application may be made to an inspector or deputy inspector of flour and meal, and it

shall be his duty to examine and determine the quality of the same.—(§1413.)

(195.) SEC. 56. It shall be the duty of the inspector or deputy: Duties of inspector.

*First.* To ascertain, by examination, the weight of all casks which he may suspect of being falsely tared;

*Second.* To alter and correct the brands in all cases where he shall be of opinion that they do not designate the real quality of the flour or meal;

*Third.* To weigh such casks as he shall suspect do not contain the full weight, and, if they do not contain the full weight, to brand them with the word "Light;"

*Fourth.* To brand all casks containing flour or meal so damaged as not to be fit for exportation, with the word "Bad;" and

*Fifth.* On all casks made, branded, and packed according to the provisions of this chapter, to brand in a legible manner, on one head thereof, the initials of his Christian and the whole of his surname, together with the name of the county where the inspection has been made.—(§1414.)

(196.) SEC. 57. Every inspector or deputy inspector of flour and meal shall be entitled to receive for inspecting, boring, branding, and plugging each barrel and half-barrel, three cents, and for weighing and ascertaining the light weight or under tare of each barrel and half-barrel, three cents.—(§1415.) Fees of inspectors.

(197.) SEC. 58. Every person who shall alter or counterfeit any brand-marks of the inspector or deputy, or of the manufacturer, made under the provisions of this chapter, shall forfeit the sum of ten dollars for every cask the brand of which shall be so altered or counterfeited; and every person who shall put any flour or meal into an empty cask branded by an inspector, and offer the same for sale in such cask, without first cutting out the brands, shall forfeit for each offense the sum of five dollars.—(§1416.) Penalty for counterfeiting brand-marks, &c.

#### INSPECTION OF SALT.

Laws of 1869, p. 34. Approved March 6, 1869.

(198.) SECTION 1. *The People of the State of Michigan enact,* That no salt manufactured in this state after this act takes effect, shall be sold within the state, nor exported therefrom, until the same shall first be duly inspected as provided in this act. Any person who shall violate the provisions of this section, shall pay, for the use of the people of this state, as a fine, the sum of twenty cents for each bushel of salt sold or exported contrary to the provisions of this act. In case any manufacturer of salt shall knowingly sell, or export, or permit to be sold or exported, salt contrary to the provisions of this act, he shall, on conviction thereof, be liable to a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding ninety days: *Provided,* That nothing in this act shall apply to any salt packed and in the hands of dealers when this act takes effect.—(§1458.) Salt must be inspected. Penalty for violating provisions of this section. Penalty for selling or exporting in violation of this act. Proviso.

(199.) SEC. 2. Immediately after the passage of this act, and every six years thereafter, there shall be appointed by the governor Inspector of salt, appointment of.

Term of office.	of this state, by and with the advice and consent of the senate, an inspector of salt who shall be a person of competent skill and ability, and who shall hold his office for six years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the governor for cause; and in addition to other causes which may arise, incompetency, or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the office, it shall be the duty of the governor to fill the same by appointment, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the senate; and, in the meantime, the governor shall, with the consent of the senate, appoint to fill the vacancy for the unexpired portion of the term.—(§1459.)
Governor may remove for cause.	(200.) SEC. 3. Immediately after his appointment and qualification, the inspector shall divide the salt-making territory of this state into so many inspection districts as he may judge necessary, and shall appoint for each district one or more competent and efficient deputy inspectors, who shall hold office at the pleasure of the inspector, and for whose acts he shall be responsible. Such districts may be changed from time to time, as may be necessary. The inspector shall give his entire time, skill, and attention to the duties of his office, and shall not be engaged in any other business or occupation.—(§1460.)
Vacancy in office, how filled.	(201.) SEC. 6. The inspector shall, before entering upon the duties of his office, take the oath prescribed by the constitution of this state, which oath shall be filed in the office of the secretary of state. He shall execute a bond to the people of this state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the state treasurer, and, when approved, shall be by such treasurer filed and deposited in his office; and the inspector shall renew his bond every year. Any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default, or misfeasance of any of his deputies, may maintain an action on such bond, in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained.—(§1463.)
Inspector to divide territory into districts, and appoint deputies.	(202.) SEC. 7. Each of the deputies appointed by the inspector shall take the oath of office prescribed by the constitution, and shall give bond to the inspector, in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case said inspector shall be obliged to pay any sum for the neglect or default or misfeasance of any deputy, he may recover of such deputy and his sureties on such bond, the amount he was obliged to pay, with accruing costs.—(§1464.)
Oath of inspector, where filed.	(203.) SEC. 8. The inspector shall keep his principal office in either Saginaw or Bay county, and the deputy for the district in which such office is located may occupy the same office. This
Bond where filed.	
Persons injured may maintain action on bond.	
Oath of deputies.	
Bond.	
Location of office.	



office shall be open at all times during business hours. All the books, records and accounts shall be kept at this office, and each deputy shall, at least once in each month make a written report, by mail or otherwise, to the inspector, of the salt inspected by him during the month, stating for whom, and the quantity and quality thereof. Abstracts of these reports shall be entered in books provided for that purpose. Said inspector shall, in proper books, keep a full record and account of all his transactions; and such books shall also be open for the examination of all persons wishing to examine the same during office hours.<sup>1</sup>—(§1465.)

Office hours.  
Reports of  
deputies.

Record of same.

(204.) SEC. 9. The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the State of Michigan, or in the profits of any such manufactory.—(§1466.)

Inspector not to  
have interest in  
salt.

(205.) SEC. 10. It shall be the duty of the deputy, in each district, to visit, once in each day, Sundays excepted, each salt manufactory in his district, when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to pass inspection.—(§1467.)

Visits of deputy.

(206.) SEC. 11. It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable.—(§1468.)

Visits of  
inspector.

(207.) SEC. 12. The inspector or deputy, at each visit, as provided in this act, shall carefully examine the salt in the bins, and the brine in kettles, or pans, or vats in which the salt is manufactured. If the salt in the bins, or any part thereof is of bad quality, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining-vats have not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory, remove the bad salt from the bin and place it with second quality salt, or throw it among the bitterns, as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining-vats be thrown out, and new brine substituted.—(§1469.)

Duties when  
inspecting.

(208.) SEC. 13. No lime or lime-water shall be used by any person in the manufacture of salt, in the kettles, or pans, or graining-vats used for manufacturing, under a penalty of twenty-five dollars and costs for each offense, to be sued for in the name of the people of this State: *Provided*, That iron vessels used in the manufacture of salt may be white-washed, when cool, to prevent the accumulation of rust.—(§1470.)

No lime or lime  
water to be  
used.

Proviso.

(209.) SEC. 14. Every person desiring to have salt inspected shall apply to the inspector or deputy inspector of the district where the same shall be, which inspector or deputy inspector shall thereupon actually examine the salt so offered for inspection, in the package in which the same may then be.—(§1471.)

Application for  
inspection.

(210.) SEC. 15. To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection, to

To facilitate  
examination.

<sup>1</sup> As amended by act No. 86 Laws of 1875, p. 128.

unhead or bore the barrel, or to open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy inspector, so as to expose the salt to his touch, view, and examination.—(§1472.)

What qualities  
salt to contain.

(211.) SEC. 16. The inspector or deputy inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth, and stones, and from admixture of lime, or ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitters properly extracted therefrom, and manufactured as directed by this act and by the rules and regulations of the inspector.—(§1473.)

Certificate of  
inspection.

(212.) SEC. 19. Each inspector or deputy shall deliver to the party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon direct the employes of the manufacturer to brand and mark, under his personal supervision, with durable paint, the package containing the salt so inspected, with the surname of the inspector at length, and the initials of his Christian name, with the addition of the word "Inspector," in letters at least one inch in length, and shall also cause to be marked or branded by the employes of the manufacturer upon the head of the barrel, cask, or package, the weight prescribed for such barrel, cask, or package by the inspector, when such weights are in conformity to the rules and regulations prescribed by the inspector in that regard; and if such weights do not correspond to the rules and regulations, he shall cause the same to be repacked so as to conform thereto.<sup>1</sup>—(§1476.)

Barrels, how  
made, etc.

(213.) SEC. 20. If the said salt shall be put up in barrels it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with such number of hoops as shall be prescribed by the inspector, to be well nailed and secured.<sup>2</sup>—(§1477.)

Counterfeiting  
brand of inspect-  
or deemed fel-  
ony; fine there-  
for.

(214.) SEC. 21. Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy inspector, on any package containing salt, shall be deemed guilty of felony, and, on conviction thereof, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the state prison for a term of not less than one nor more than six years, or both, in the discretion of the court.—(§1478.)

Salt to be in-  
spected before  
packed.

(215.) SEC. 22. No manufacturer or other person shall pack, or cause to be packed, in barrels, casks, boxes, or sacks, any salt, until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack.—(§1479.)

Inspector may  
examine all bins  
of salt.

(216.) SEC. 23. The inspector and his deputies, in their daily examination of the several salt manufactories, shall examine all bins of salt, for the purpose of ascertaining whether any salt is packed contrary to the provisions of the foregoing section.<sup>1</sup>—(§1480.)

<sup>1</sup> As amended by act No. 86 Laws of 1875, p. 123.

<sup>2</sup> As amended by act 56 of 1873, p. 57.

(217.) SEC. 24. If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.—(§1481.)

Penalties of  
packing before  
inspection.

(218.) SEC. 25. Barrels, casks, or sacks in which salt shall have been packed and inspected, shall not again be used for the packing of salt therein, until the mark or brands made by the inspector shall be first cut out or removed: and if any person shall pack, or cause to be packed, or shall aid or assist in packing any uninspected salt in any such barrels, casks, or sacks, without first cutting out or removing such marks or brands, he shall forfeit, for every bushel of salt so packed, the sum of one dollar.—(§1482.)

Barrels, etc.,  
once used.

(219.) SEC. 26. It shall be the duty of every manufacturer to brand, or mark with durable paint, every cask or barrel of salt manufactured by him, with the surname at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letters of his Christian name; and if the same shall have been manufactured for a company, or association of individuals, he shall mark or brand, in like manner, upon every such cask or barrel, the name by which the company is usually called: *Provided*, That no second-quality salt shall be so marked.—(§1483.)

Name of person,  
etc., manufac-  
turing, to appear  
on barrels, etc.

Proviso.

(220.) SEC. 27. No inspector or deputy inspector shall inspect or pass any barrel, cask, box, or sack of salt which shall not be marked or branded in the manner prescribed in the last section, and the inspector or deputy shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturer offering the same for inspection: *Provided*, That none of the provisions of this section shall apply to second-quality salt: *And provided further*, That the inspector may, by regulations prescribed by him, provide that both the brand of the manufacturer and that of the inspector shall be put upon each package at the same time.—(§1484.)

Inspector not to  
pass any barrels  
not so marked.

Proviso.

Idem.

(221.) SEC. 28. Salt of an inferior quality—dirty, damaged, or condemned—may be sold loose, or in bulk, by the manufacturer thereof, at the works, the inspector making bills of the same, designating the quantity by weight, as in ordinary cases, and distinguishing the same as “second quality:” or, such inferior salt may be packed in boxes, barrels, casks, or sacks, and branded by the inspector with the words “Second-quality salt,” in plain letters not less than one inch in length, and such inspector shall add the initials of his name, and no other or different brand shall be placed thereon; and said second-quality salt, subject to the provisions of this section, may be sold or exported by the owner as such.—(§1485.)

Inferior salt,  
how sold.

(222.) SEC. 29. Every person who shall forge or counterfeit the name so required to be put on by the manufacturer, or shall cause or procure to be put on any barrel or cask in which salt shall be packed, the name of any person other than that which properly should be placed thereon according to the provisions of this act, shall, for every such barrel, cask, or sack, forfeit the sum of one hundred dollars, and shall also be liable for all damages to the party aggrieved.—(§1486.)

Counterfeit of  
manufacturer's  
name.

Penalty.



Regulating  
quantity in bags,  
etc.

(223.) SEC. 30. The inspector shall, by regulation from time to time, specify the quantity of salt that shall be contained in bags or other packages which shall be offered for inspection. And it shall not be lawful for him to authorize the inspector's brand to be placed upon any package that does not correspond with said regulation.—(§1487.)

Ground salt,  
how marked.

(224.) SEC. 31. The inspector shall, by regulation, require that all ground salt manufactured and put up for market, shall be legibly marked on each keg, box, sack, bag, or other package containing the same, with the words "Ground solar," or "Ground boiled," or "Ground steam," or "Ground Chapin," as the fact may be; such marking to be done in letters not less than an inch in length.—(§1488.)

Size of letters.

Connivance of  
inspector.

(225.) SEC. 32. If the inspector shall consent to, connive at, aid or abet the smuggling of salt, or the transportation of the same away, so as to evade the inspection thereof, or shall accept of any bribe, or sum of money, or any gift or reward whatsoever, upon any express, or secret, or implied trust or confidence that he shall connive at or consent to any evasion of the laws for the inspection of salt, such inspector shall forfeit his office and pay to the use of the people of this state the sum of one thousand dollars.—(§1489.)

Penalty.

Connivance of  
deputy.

(226.) SEC. 33. If any deputy inspector shall be guilty of the offenses specified in the last section, or any of them, the inspector appointing such deputy shall forfeit to the use of the people of this state the sum of two hundred and fifty dollars, for the recovery of which his bond shall be put in suit.—(§1490.)

Penalty.

Inspector to  
inspect salt at  
once, on appli-  
cation.

(227.) SEC. 37. It shall be the duty of the inspector and his deputies, upon being applied to by any manufacturer to inspect salt in his district, to inspect the same forthwith; and in no case shall the inspector or any deputy delay the inspection of salt beyond twelve hours of daylight, excluding Sundays, after such application, unless such manufacturer shall consent to the delay. For a violation of this section by the inspector, or any one of his deputies, the inspector and his sureties shall be liable to the party aggrieved in the sum of fifty dollars over and beyond all actual damages sustained.—(§1494.)

Penalty for  
neglect.

Bitterns sold as  
such.

(228.) SEC. 38. Nothing contained in this act shall be construed so as to prevent the sale or exportation of the bitterns from any manufactory of salt, such bitterns to be sold or exported in bulk, or, if in casks or barrels, to be branded as bitterns, and sold or exported as such.—(§1495.)

Who to fill va-  
cancy of inspect-  
or.

(229.) SEC. 39. In case of any vacancy, from any cause, in the office of the inspector, the deputy who has been longest continuously in office shall possess the powers and perform the duties of inspector until such vacancy shall be filled; and the bond of the inspector and his sureties shall continue to be liable for the acts of all the deputies, until such vacancy shall be filled.<sup>1</sup>—(§1496.)

Fine salt, how  
marked.

(230.) SEC. 41. The inspector shall establish a grade of "fine" salt, the grain of which shall be at least as fine as the average grain of salt made in kettles. He shall cause the word "Fine" to be

<sup>1</sup> As amended by Act 86, Laws of 1875, p. 128.

marked on the packages containing such salt, in large letters, and the word "Fine," with or without qualification, shall not, under any circumstances, be placed on salt of course grain: but all other grades shall be designated on the packages by some truly descriptive mark or brand, and the inspector may mark salt "Second quality" for imperfect grain, as well as for any other defect.—(§1498.)

(231.) SEC. 42. Nothing in this act contained shall be construed to prevent the sale or shipment of salt in bulk, after the same shall have been duly inspected and a certificate thereof given by said inspector or any deputy. And nothing in this act shall be construed to prevent manufacturers from putting such private trade-mark or brand on their salt as they may see fit: *Provided*, It contains no untruth or statement calculated or intended to deceive the purchaser.—(§1499.)

Salt in bulk.

Private trade-marks.

Proviso.

## VII. THE ADULTERATION OF MILK AND BEVERAGES.<sup>1</sup>

### THE ADULTERATION OF MILK AND THE PRODUCTS MADE THEREFROM.

Laws of 1873, p. 25, approved March 12, 1873.

(232.) SECTION 1. *The People of the State of Michigan enact*, That whoever shall knowingly sell to any person or persons, or sell, deliver, or bring to be manufactured to any cheese or butter manufactory in this state, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of the milk known as "strippings," with intent to defraud, or shall knowingly sell milk, the product of a sick or diseased animal or animals, or any milk produced from any cow fed upon the refuse of a distillery, or of a brewery, or upon any substance deleterious to the quality of the milk, or shall knowingly use any poisonous or any deleterious material in the manufacture of any cheese or butter, or shall knowingly sell or offer to sell any cheese or butter, in the manufacture of which any poisonous or deleterious substance has been used, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars; and may be committed to the county jail until such fine shall be paid: *Provided*, That such imprisonment shall not exceed ninety days; and shall be liable in double the amount of damages to the person or persons, firm, association, or corporation upon which such fraud shall have been committed. An act entitled "An act to prevent the adulteration of milk and to prevent the traffic in impure and

Provisions relative to traffic in.

Penalty for adulterating, etc.

Proviso.

Double damages.

Act repealed.

<sup>1</sup> See also "Offenses against the public health," this compilation, Chapter V., section 2.

Proviso.

unwholesome milk," approved March thirty-first, eighteen hundred and seventy-one, is hereby repealed: *Provided*, That any right accrued or forfeiture incurred under said act, shall remain valid and binding, and may be enforced under said act as if the same were not repealed.

#### THE ADULTERATION OF ALCOHOLIC LIQUORS.<sup>1</sup>

Laws of 1875, p. 270. Approved May 8, 1875.

Penalty for adulterating liquors, or for selling or offering the same for sale.

(233.) SECTION 1. *The People of the State of Michigan enact*, That if any person shall adulterate any spirituous or alcoholic liquors used or intended for drink, by mixing the same in the manufacture or preparation thereof, or by process of rectifying, or otherwise, with any deleterious drug, substance, or liquid, which is poisonous or injurious to health, except as hereinafter provided, or if any person shall sell, or offer to sell, any wine or spirituous, or alcoholic liquors, or shall import into this state any wine or spirituous or intoxicating liquors, and sell or offer for sale such liquors, knowing the same to be adulterated, or shall sell or offer to sell any spirituous or intoxicating liquors from any barrel, cask, or other vessel containing the same, and not branded as hereinafter provided, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, nor less than fifty dollars, and shall be imprisoned in the jail of the county not more than sixty nor less than ten days.

Brand.

(234.) SEC. 2. It shall be the duty of every person or persons engaged in the manufacture and sale of malt, spirituous, or alcoholic liquors, or in rectifying or preparing the same in any way, to brand on each barrel, cask, or other vessel containing the same, the name or names of the person, company or firm manufacturing, rectifying, or preparing the same, and also these words, "Pure, and without drugs or poison."

Sale from casks, etc., not branded, prohibited.

(235.) SEC. 3. No person shall sell at wholesale or retail any ale, rum, wine, or other malt or spirituous liquors from any barrel, cask, or vessel, unless the same shall have been branded and marked as aforesaid.

Evidence of violation of this act.

(236.) SEC. 4. If any barrel, cask, or other vessel containing any drugged or poisoned liquor shall be found in the possession of any wholesale or retail dealer in liquors, or in the possession of any person holding himself out as such a dealer, it shall be deemed *prima facie* evidence of the violation of the provisions of this act.

Penalty for putting drugged liquors into branded casks, etc.

(237.) SEC. 5. Any person who shall put into any barrel, cask, or other vessel, branded, or marked, as required by this act, any liquors drugged or adulterated as aforesaid, or who shall sell or offer for sale any such liquors, for the purpose and with the intent of deceiving any person in the sale thereof, shall be deemed guilty

<sup>1</sup> This act is similar in its provisions to act of February 15, 1859 (Compiled Laws, p. 487), although it does not in terms repeal or supersede that act. The essential difference between the two is, that the act of 1859 provides for the inspection of liquors, while this act makes the brand evidence of quality. This reference to the act of 1859 is all that is deemed necessary in this compilation.



of an attempt to practice a fraud, and upon conviction thereof shall be imprisoned in the state prison not more than one year.

(238.) SEC. 6. The provisions of this act shall not be so construed as to prevent druggists, physicians, and persons engaged in the mechanical arts from adulterating liquors for medical and mechanical purposes. Adulteration for medical and mechanical purposes.

(239.) SEC. 7. Prosecutions for a violation of any of the provisions of this act may be commenced by information in the circuit court of any county, by the prosecuting attorney of the county in which the offense shall be committed, which information shall be filed with the proceedings in any previous examination before any justice of the peace, and the proceedings after the filing of the information, or information and proceedings as aforesaid, shall be the same as in other criminal cases. Prosecutions for violation of this act.

## VIII. IMPORTATION OF DISEASED CATTLE AND SHEEP.

### CONTAGIOUS DISEASES IN CATTLE.

Session Laws of 1869, p. 819. Approved April 5, 1869.

(240.) SECTION 1. *The People of the State of Michigan enact,* That when the governor of the state of Michigan shall be satisfied of the necessity of the same, he shall have power to appoint three commissioners, to hold their office for two years, and make report annually to the secretary of the state board of agriculture. Such commissioners shall have power to use means to prevent the spread of dangerous diseases among animals, and protect the people of the state from the dangers arising from the consumption of diseased meat. Said commissioners shall have power to administer oaths, and appoint assistants for such time as they may deem proper, and to place animals in quarantine, and to do generally whatever may be necessary to prevent the spread of contagious diseases among animals.—(§1742.) Governor to appoint commissioners. Powers of commissioners.

(241.) SEC. 2. No animal shall be permitted to enter or pass through this state, which shall be deemed by either of the commissioners capable of diffusing or communicating contagious diseases.—(§1743.) Infectious animals excluded from the state.

(242.) SEC. 3. No cattle brought from Texas or the Indian Territories shall be permitted to pass through this state, or any part of the same, from the first day of March to the first day of November, in each year.—(§1744.) Texas cattle, etc.

## DISEASED SHEEP.

Laws of 1863, p. 333. Approved March 20, 1863.

Penalty for importing, etc., diseased sheep.

(243.) SECTION 1. *The People of the State of Michigan enact.* That it shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this state, sheep having any contagious disease; and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.—(§2069.)

Penalty for allowing diseased sheep to run at large.

(244.) SEC. 2. That any person being the owner of sheep, or having the same in charge, who shall turn out or suffer any sheep having any contagious disease, knowing the same to be so diseased, to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, without first apprising the purchaser thereof of such disease, shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars, and in default of the payment thereof, by imprisonment in the county jail not more than three months.—(§2070.)

Damages in civil action.

(245.) SEC. 3. Nothing in this act shall be so construed as to prevent the recovery of damages, in civil actions, against any person or persons who shall import or drive such diseased sheep into this state, or who shall allow such diseased sheep to run at large, or who shall sell such diseased sheep.—(§2071.)

## IX. RAILROADS—POLICE REGULATIONS AND SANITARY PROVISIONS.<sup>1</sup>

## COMMISSIONER OF RAILROADS.

Laws of 1873, p. 91. Approved April 10, 1873.

Unsafe track, bridge, etc.

(246.) SECTION 14. Whenever the commissioner shall have reasonable grounds to believe, either on complaint or otherwise, that any of the tracks, bridges, or other structures of any railroad corporation of this state are in a condition which renders any of them dangerous or unfit for the transportation of passengers with reasonable safety, it shall be his duty to inspect and examine, or cause the same to be examined and tested by some competent person or persons, and if, on such examination, in his opinion, any [of] such tracks, bridges, or other structures or works are unfit for the transportation of passengers with reasonable safety, it shall be his duty

<sup>1</sup> See "Illuminating Oils and Explosive Substances," this compilation, chapter X.

to give to the superintendent, or other executive officer of the corporation working or operating said defective track or bridge or other structure, notice of the condition thereof, and of the repairs necessary to place the same in a reasonably safe condition. He may also order and direct the rate of speed of passing trains over such dangerous or defective track, bridge, or other structure, until the said repairs are made, and the time within which such repairs shall be made by the company; and if any superintendent, or other executive officer aforesaid, receiving such notice and order, shall willfully neglect for the period of two days after receiving such notice or [and] order, to direct the proper subordinate officers of said corporation to run the passenger trains over such defective track, bridge, or other structure at the speed so prescribed by the commissioner, or if any engineer, conductor, or other employe of such company shall knowingly disobey such order, every such superintendent, officer, conductor, or employe shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum, not exceeding five hundred dollars, or be imprisoned in the state prison or jail of the county in which such conviction is had, for a period not exceeding one year, or both such fine and imprisonment, in the discretion of the court. Such superintendent, officer, conductor, or employe may be prosecuted for such offense in any of the counties of this state through which said road may run. And the said commissioner shall have power to wholly stop the running of passenger trains over such defective track, bridge, or other structure, if said company shall neglect, or, without reasonable cause, fail to make such repairs within the time prescribed by said commissioner; and such company, for each and every day that ensues thereafter, and until said repairs are made, shall forfeit and pay to the state the sum of one hundred dollars.

Rate of speed.

Penalty.

Where officer or employe may be prosecuted.

Commissioner may stop running of passenger trains in certain cases.

Forfeiture for neglecting to make repairs.

(247.) SEC. 17. Whenever, in the opinion of the commissioner of railroads, the safety of the public would be more efficiently secured by stationing a flagman to signal trains where a highway or street is crossed by any railroad, or when one railroad crosses or intersects another railroad, or by the building of a gate or bridge at such highway, street or railroad crossing or intersection, or street railway crossing, he shall direct the corporation or corporations owning or operating any such railroad or railroads, to station a flagman, or to erect and maintain a bridge or gate at such crossing as the public safety may demand; and in case such flagman is directed to be stationed, or gate or bridge directed to be erected and maintained where one railroad crosses or intersects another, the expense thereof shall be borne jointly in equal proportions by the companies owning or controlling each of said railroads. Any corporation or corporations neglecting or refusing to construct and maintain such gate or bridge, or to maintain such flagman so directed as aforesaid, shall each forfeit for every such neglect or refusal the sum of one hundred dollars, and the further sum of ten dollars for every day which such neglect or refusal shall continue; and if said flagman shall neglect to

Flagmen at crossings.

Forfeiture.



- display his flag, or perform such other duties as may be required of him by said commissioner, he shall for every such neglect be liable to a fine of (§25) twenty-five dollars, and shall also be liable for all damages sustained by any person by reason of such neglect, to be recovered in an action of tort: *Provided*, The corporation owning or operating any such railroad shall not be released from liability therefor, but shall be subject to the same liability at the option of the aggrieved party.<sup>1</sup>
- Proviso.** (248.) SEC. 19. Whenever it shall come to the knowledge of such commissioner, either upon complaint or otherwise, or he shall have reason to believe that any law or laws pertaining to railroads have been or are being violated, he may if he deem it expedient, prosecute or cause to be prosecuted, all corporations or persons guilty of such violation. In order to enable said commissioner to perform his duties under this act, it is hereby made his duty, at least once in each year, to visit each county in the state in which is or shall be located a railroad station, and personally examine into the management of such railroad or railroads.
- Prosecution for violation of railroad laws.**
- Commissioners to visit new stations.** (249.) SEC. 20. It is hereby made the duty of the attorney general and prosecuting attorney in every county through which any railroad may run, on the request of said commissioner, to institute and prosecute any and all suits and proceedings which shall be directed by said commissioner for a violation of this act, or any law of this state concerning railroad corporations, or their officers, employes, operators, lessees, or agents of any such railroad corporations.
- Attorney general and prosecuting attorney to prosecute.**
- Prosecutions and moneys arising therefrom.** (250.) SEC. 21. All such prosecutions shall be in the name of the people of the state of Michigan; and all moneys arising therefrom, except fines, shall be paid into the state treasury by the sheriff or other officer collecting the same; and all fines shall be paid to the treasurer of the county where the conviction is had by the officer collecting the same; and the prosecuting attorney who shall prosecute under this act shall receive for his compensation, from the state treasurer, a sum equal to twenty per cent of the amount recovered, whether the same be a penalty or a fine: *Provided*, This act shall not be construed as to prevent any person from prosecuting any *qui tam* action as is or may be authorized by law, and of receiving such part of the amount recovered in such *qui tam* action as is or may be provided by law; but a recovery in any such action shall be a bar to any other prosecution for the same offense.
- Compensation of attorney.**
- Proviso.** (251.) SEC. 22. This act shall not be so construed as to waive or affect the right of any person injured by the violation of any law in regard to railroad corporations to sue or prosecute for his private damages in any manner allowed by law.
- Construction of act.**

## GENERAL RAILROAD LAW.

## ARTICLE IV.

Laws of 1873, p. 533. Approved May 1, 1873.

- Air-brake upon passenger trains.** (252.) SECTION 1. On and after the thirty-first day of October, eighteen hundred and seventy-three, no regular passenger train

<sup>1</sup> As amended by Act No. 91, Session Laws of 1875, p. 129.

shall be run in this state without an air-brake or some equally effective device for checking the speed of the train, to be approved by the commissioner of railroads, which may be applied by the engineer to each passenger car composing the train; and every railroad company, person, or corporation, owning or operating a railroad in this state, which shall permit any such trains to be run on such road without such brake shall forfeit for every train so run, the sum of fifty dollars, to recover which, such company, person, or corporation shall be liable in an action on the case, to be brought in behalf of the people of this state, and the money so realized shall be paid into the state treasury.

Forfeiture for running trains without air-brake.

(253.) SEC. 2. On and after July thirty-first, eighteen hundred and seventy-three, every company, person, or corporation owning or operating a railroad within this state, shall construct and maintain a gate or gates, or bridge, or maintain a flagman to signal trains at every highway or street crossing on the line of such road, where the same shall be required by the commissioner of railroads, as hereinafter provided. Any company, person, or corporation neglecting or refusing to construct or maintain such gate or gates, or bridge, or to maintain such flagman where so required as aforesaid, shall forfeit for every such neglect or refusal the sum of one hundred dollars, and the further sum of ten dollars for every day while such neglect or refusal shall continue.<sup>1</sup>

Flagman, gate, or bridge at street crossings.

Forfeiture for not maintaining.

(254.) SEC. 3. Whenever in the opinion of the commissioner of railroads, the public interests require that a gate be constructed and maintained at any railroad crossing, or a bridge be built over such railway at such crossing, or that a flagman be stationed and maintained at such crossing, he shall give to the superintendent of such railroads a written notice that the same is required; and such company, person, or corporation shall construct or maintain the same within such time thereafter as said commissioner shall prescribe.

Commissioner to give notice that same is required.

(255.) SEC. 4. All gates, which, by the provisions of this act, are under the direction of the commissioner of railroads, may be required to be constructed at street or highway crossings, shall be built in such manner, and within such time, and of such material as shall be approved by the commissioner of railroads, and shall be located on the highway or street on one or both sides of the railroad track or tracks, as the commissioner may deem the public safety to require, and shall be so constructed as when closed to obstruct and prevent any passage across such railroad or railroads from the side on which such gate may be located. There shall be a person in charge of every such gate at all hours of the day and night, and it shall be his duty to close the same at the approach of a train of cars, or of a locomotive, and to keep it open at all other times; and it shall be the duty of the gate-keeper on either side of one or more tracks, to close the gate of which he is in charge on the approach of a train of cars or locomotive, on either track. For every neglect of such duty, such person, upon conviction

Gates, location and construction of.

Duties of gate keeper.

Penalty for neglect of duty.

<sup>1</sup> As amended by Act No. 98, Session Laws of 1875, p. 186.

thereof, shall pay the sum of twenty-five dollars, or be imprisoned in the county jail for the period of ninety days, or both, in the discretion of the court. The expense incurred in the erection and maintenance of the gates provided for in this section, and of the necessary gate-keepers, shall be shared equally by the railroad companies alongside whose tracks the gates shall be located.<sup>1</sup>

Use of intoxicating drinks by employes prohibited.

(256.) SEC. 5. No person shall be employed as an engineer, train dispatcher, fireman, baggage-master, conductor, brakeman, or other servant upon any railroad, in any of its operating departments, who uses intoxicating drinks as a beverage; and any company in whose service any such person shall knowingly be employed shall be liable to a penalty of five hundred dollars for every such offense, to be sued for in the name of the people of the state of Michigan.

Liability of person having charge of engine for being intoxicated.

(257.) SEC. 6. If any person shall be intoxicated while in charge of a locomotive engine, running upon the road of any such company, or while acting as the conductor of any train of cars on any such road, he shall be liable for all damages incurred or produced in consequence thereof, and shall be deemed guilty of a misdemeanor: *Provided*, That this shall not affect or release the railroad company from any such liability.

Proviso.

Corporation to furnish employes copies of rules.

(258.) SEC. 7. It shall be the duty of every railroad corporation in this state to furnish to each of its employes of every grade a printed or written copy of its rules and regulations relative to their respective duties, and any conductor, engineer, servant, or other employe of any such railroad corporation, who shall knowingly violate any of the printed or written rules or regulations of such company, shall be subject to a fine of not less than twenty-five dollars nor more than one hundred dollars, or to an imprisonment in the county jail not more than three months, or both such fine and imprisonment, in the discretion of the court.<sup>1</sup>

Penalty for violating rule of company.

Making up passenger trains.

(259.) SEC. 11. In forming a passenger train upon any railroad operated in this state, the engine shall be placed at the head of the train, and no baggage or freight car shall be placed in the rear of any passenger car; and any officer, agent, or other employe who shall cause them to be so placed, or who shall knowingly suffer the same to be done, shall be deemed guilty of a misdemeanor, and be punished accordingly.

Punishment for placing impediments upon the track, etc.

(260.) SEC. 12. If any person shall, by the placing of any impediment upon the track of any railroad, or by any other means whatsoever throw from said track any engine or cars used thereon, or attempt so to do, whether such engine or cars be thrown from said track or not, or shall by any other means whatsoever willfully endanger or attempt to endanger the lives of persons engaged in the work of said road, or persons traveling on the engine or cars of said road, he shall be subject to imprisonment in the state prison during his natural life, or any number of years, in the discretion of the court. And it shall not be necessary for the people to allege or prove in any such case that the person thereby intended to injure or endanger the life of any particular person or persons.

<sup>1</sup> As amended by Act No. 93, Session Laws of 1875, p. 186.



(261.) SEC. 13. A bell of at least thirty pounds weight and a steam whistle shall be placed on each locomotive engine, and said whistle shall be twice sharply sounded at least forty rods before the crossing is reached: and after the sounding of the whistle, the bell shall be rung continuously until the crossing is passed, under a penalty of one hundred dollars for every neglect: *Provided*, That at street crossings within the limits of incorporated cities or villages, the sounding of the whistle may be omitted unless required by the common council or board of trustees of any such city or village; and the company shall also be liable for all damages which shall be sustained by any person by reason of such neglect. Every railroad corporation shall, and they are hereby required to cause boards to be placed, well supported by posts or otherwise, and maintained at each public road or street, where the same is crossed by the railroad and on the same level. The boards shall be elevated so as not to obstruct the travel and to be easily seen by travelers; and on each side of said board shall be painted, in letters of not less than twelve inches in height, the words "railroad crossing;" but such boards need not be put up in cities or villages unless required by the proper officers thereof. This provision shall not apply to boards already erected.<sup>1</sup>

Bell and whistle on locomotives, when used and penalty for neglect.

Proviso—use in cities, etc.

Signal-boards at crossings.

(262.) SEC. 14. Every locomotive engine, passenger, freight, or other train of cars running on any railway, shall be brought to a full stop, not nearer than two hundred feet nor further than eight hundred feet from any railroad crossing, and shall not cross until the way is clear: and when two passenger or freight trains come up at the same time, the train on the road first built shall have precedence, provided they are both main tracks over which passengers and freights on said road are transported; but if only one is such main track, and the other is a side or depot track, then the train on the main track shall take precedence. But if one of said trains is a passenger and the other a freight train, then the former shall take the precedence: and every engineer, conductor, or other person having charge or control of said engine or train who shall offend against the provisions of this section, shall be liable to fine of not exceeding one hundred dollars for each violation.

Trains to stop before crossing tracks of other roads.

Which train to have precedence.

Penalty for violation of rule.

(263.) SEC. 15. Every railroad company formed under this act, or any former act, and every corporation owning or operating any such railroad shall erect and maintain fences on the sides of their respective roads of the height and strength of a division fence required by law, with fences and cattle-guards at all highway and street crossings, sufficient to prevent cattle or other animals from getting on such railroad; also gates or bars convenient for farm crossings. Until such fences and cattle-guards, or ditches, shall be duly made, such company or corporation owning or operating such road shall be liable for all damages done to cattle or other animals thereon, which may result from the neglect of such company or corporation maintaining or operating such road to construct and maintain such fences, cattle-guards, or ditches, as aforesaid; and

Fences, cattle-guards, etc.

Liability previous to fencing etc.

<sup>1</sup> As amended by Act No. 98, Session Laws of 1875 p. 186.

after such fences, cattle-guards, or ditches shall be duly made and maintained, such company or corporation shall not be liable for any such damages, unless negligently or willfully done. And every corporation owning or operating any such railroad shall, within six months from the time any section or portion of such road is finished and put in general use by running regular trains thereon, and in case of roads now in use within six months from the time this act shall take effect, shall erect and maintain such fences or obstructions as aforesaid. Any violation of the provisions of this section by any railroad company or corporation owning or operating such railway, shall be punished by a penalty of two hundred dollars per week for each and every week that they shall fail to comply with the provisions of this section: *Provided*, That if such fences or obstructions are not built as aforesaid, along such portions of any such line of road as is or may be situate north of a line extending due west from the mouth of the Saginaw river, the corporation owning or operating such line of road shall not be liable to said penalty of two hundred dollars per week, but shall be liable to all the other provisions of this section; and if any person shall ride, lead, or drive, or intentionally permit any horse or other animal upon such road and within such fences and cattle-guards or ditches, other than farm crossings, or shall injure or destroy, or make openings or passages through or over such fences, cattle-guards, or ditches, or neglect to close any gates or bars immediately after passing through the same, without the consent of such company or corporation, he shall, for every such offense, be liable to a fine not exceeding one hundred dollars, and shall also pay all damages which shall be sustained thereby to the party aggrieved.<sup>1</sup>

## ARTICLE V.

Companies not liable when persons are killed on platform, etc.

(264.) SEC. 2. In case any passenger on any such road shall be killed or injured while on the platform of a car, or while in or on any baggage or freight car, in violation of the printed regulations of the company, posted up at the time in a conspicuous place inside its passenger cars then in the train, such company shall not be liable for the injury, if the injury be occasioned by the person being improperly on such platform or within such baggage or freight car, or after having been notified by the conductor or any other person having charge of any train, that such person is not in the proper place: *Provided*, Said company at the time furnished room and seats inside its passenger cars sufficient for the proper accommodation of its passengers.

Proviso—if accommodations deficient.

When death caused by wrongful act, neglect, or default, company to be liable for damages.

(265.) SEC. 7. Whenever the death of a person shall be caused by wrongful act, neglect, or default of any railroad company, or its agents, and the act, neglect, or default is such as would (if death had not ensued) entitle the party injured to maintain an action and recover damages in respect thereof: then and in every such case, the railroad corporation which would have been liable if death had not ensued shall be liable to an action on the case for damages, notwithstanding the death of the person so injured, and al-

<sup>1</sup> As amended by Act No. 98, Session Laws of 1875, p. 186.

though the death shall have been caused under such circumstances as amount in law to felony.

(266.) SEC. 8. Every such action shall be brought by and in the names of the personal representatives of such deceased person, and the amount recovered in any such action shall be distributed to the persons, and in the proportion provided by law in relation to the distribution of personal property left by persons dying intestate; and in every such action the jury may give such amount of damages as they shall deem fair and just, to the persons who may be entitled to such damages when recovered: *Provided*, Nothing herein contained shall affect any suit or proceedings heretofore commenced and now pending in any of the courts of this state.

Action to be brought in name of personal representative.

Distribution of amount recovered.

Proviso.

#### ACT FOR THE BETTER PROTECTION OF HUMAN LIFE ON RAILROAD TRAINS.

Laws of 1871, p. 255. Approved April 15, 1871.

(267.) SECTION 1. *The People of the State of Michigan enact*, That every railroad company running trains upon any railroad within the limits of this state (or any portion thereof) shall provide and carry, at each end of each and every car owned or used by said company for the conveyance and carriage of passengers, a good and serviceable axe, properly sharpened, provided with a proper helve or handle, and at all times in a condition for immediate use; also, a good and serviceable carpenter's saw, also properly fitted and at all times in a condition for immediate use, each of which implements shall be suspended by leather beackets or straps upon the inside of said car, near the door thereof, and within easy view, reach, and access of passengers occupying said car; also, in the baggage car of each train of which any car for the conveyance of passengers forms a part, near the doors thereof, two or more lifting jacks or screws, each of sufficient power to readily lift one end of any loaded car attached to said train, and each of which shall be so carried and secured as to be within easy view, reach, and access of any person or persons occupying said baggage car.—(§2397.)

Passenger cars to carry axe and saw within reach.

Baggage cars to carry lifting-jacks.

(268.) SEC. 2. In case any railroad corporation shall run any trains of cars within the limits of this state for the carriage and transportation of passengers, or upon which passengers are transported, without carrying upon each of the passenger and baggage cars forming a part of such train, the axes, saws, and lifting jacks, in the number, place, and manner particularly prescribed in section one of this act, such corporation shall be liable to a penalty of fifty dollars for each and every train so run, to be sued for in the name of the people of this state, and such railroad corporation shall also be liable for all damages which shall be sustained by any person by reason of such neglect.—(§2398.)

Penalty for non-compliance.

#### LIGHTING OF RAILWAY PASSENGER CARS.

Laws of 1875, p. 29. Approved March 17, 1875.

(269.) SECTION 1. *The People of the State of Michigan enact*, That every railroad corporation operating or doing business in this

Use of naphtha etc., prohibited.



Penalty.

state is hereby prohibited from running any passenger cars of its own, or those of any other corporation doing business in this or any other state, which are lighted by naphtha, or by any illuminating oil or fluid, made in part from naphtha, or wholly or in part from coal oil or petroleum. Any railroad corporation which violates the provisions of this act shall forfeit a sum not exceeding five hundred dollars.

#### ACT RELATING TO ACCIDENTS ON RAILROADS.

Laws of 1875, p. 80. Approved April 1, 1875.

Notice of accidents.

(270.) SECTION 1. *The People of the State of Michigan enact,* That every railroad corporation doing business in this state shall cause immediate notice of any accident which may occur on its road, attended with loss of life to any person, to be given to a coroner of the county residing nearest to the place of accident, and shall also give notice within twenty-four hours to the commissioner of railroads of any such accident, or of any accident falling within a description of accidents of which said commissioner may, by general regulation, require notice to be given. For each omission to give such notice, the corporation shall forfeit a sum not exceeding one hundred dollars.

Commissioner to investigate causes of accidents.

(271.) SEC. 2. The commissioner of railroads shall investigate the causes of any accident on a railroad resulting in loss of life, and of any accident not so resulting, which, in his judgment, shall require investigation.

#### DECAYED AND DANGEROUS TREES NEAR RAILROAD TRACKS.

Session Laws of 1875, p. 24. Approved March 10, 1875.

Railroad companies required to cut dangerous trees.

(272.) SECTION 1. *The People of the State of Michigan enact,* That any railroad company owning, controlling, or operating any line or lines of railroad in this state, be and is hereby authorized and required to cut any tree or trees that are dangerous and liable to fall or blow over and obstruct such track.

#### DEPREDACTIONS UPON RAILROADS.

Laws of 1869, p. 320. Approved April 5, 1869.

Persons obstructing or damaging any railroad track, etc., liable to imprisonment for life.

(273.) SECTION 1. That every person who shall place upon any railroad any timber, stone, iron, or other obstruction, or who shall loosen or displace any rail of the track of such railroad, or shall break down or displace, destroy, or injure any bridge, culvert, or embankment of any railroad, or do any other act with intent to endanger the safety of any person traveling or being upon such railroad, or to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be punished by imprisonment in the state prison for life, or for a term of years.<sup>1</sup>—(§7619.)

<sup>1</sup> As amended by Act 163 of the Laws of 1871, p. 256.

(274.) SEC. 3. If any person, not being employed on any railroad, shall willfully and maliciously uncouple or detach the locomotive or tender, or any of the cars, of any railroad train, or shall in any way aid, abet, or procure the doing of the same, such person shall be punished by imprisonment in the state prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both at the discretion of the court.—(§7621.)

Uncoupling, etc., locomotive or cars by persons not employed, etc.

(275.) SEC. 4. If any person shall unlawfully seize upon any locomotive, with any express or mail car attached thereto, and run away with the same upon any railroad, or shall aid, abet, or procure the doing of the same, such person shall be punished by imprisonment in the state prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both at the discretion of the court.—(§7622.)

Running away with locomotives to which express or mail cars are attached.

## X. ILLUMINATING OILS AND EXPLOSIVE SUBSTANCES.

### INSPECTION OF ILLUMINATING OILS.<sup>1</sup>

Session Laws of 1875, p. 208. Approved May 1, 1875.

(276.) SECTION 1. *The People of the State of Michigan enact,* That the governor shall appoint a suitable person, resident of the state, who is not interested in manufacturing, dealing, or vending any illuminating oils manufactured from petroleum, as state inspector of oils, whose term of office shall be two years from the date of appointment, or until his successor shall be appointed and shall qualify. It shall be the duty of said state inspector to examine and test the quality of all such oils offered for sale by any manufacturer, vender, or dealer, and if, upon such testing or examination, the oils shall meet the requirements hereinafter specified, he shall fix his brand or device, viz.: "Approved," with the date, over his official signature, upon the package, barrel, or cask containing the same, and it shall be lawful for any manufacturer, vender, or dealer to sell the same as an illuminator; but if the oil so tested shall not meet said requirements, he shall mark in plain letters on said package, cask, or barrel, over his official signature, the words, "Rejected for illuminating purposes;" and it shall be unlawful for the owner thereof to sell such oil for illuminating purposes; and if any person shall sell, or offer for sale such rejected oil, he shall be deemed guilty of a misdemeanor, and shall be punished as provided in section four of this act.

State inspector of oils, appointment of.

Term of office.

To test oils offered for sale.

Brand.

Unlawful to sell rejected oils.

(277.) SEC. 2. The state inspector provided for in this act, is hereby

Deputy inspectors.

<sup>1</sup> This act, although it does not say so in terms (see the last section), was doubtless intended to repeal or supersede the acts of April 3, 1869, and March 13, 1871 (Compiled Laws, pp. 498 and 2124), and amendatory acts of April 17 and 25, 1873, Laws of 1873, pp. 136 and 216.

Proviso.	empowered to appoint a suitable number of deputies, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the state inspector: <i>Provided</i> , That the state inspector may remove any of said deputies for reasonable cause. It shall be the duty of the inspector and his deputies to provide themselves, at their own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and, when called upon for that purpose, to promptly inspect all oils hereinbefore mentioned, and to report as dangerous all oils which, by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and fifty degrees of Fahrenheit's thermometer, take fire when a well-lighted match is applied thereto or plunged therein, or which will emit a combustible vapor at the temperature of one hundred and forty degrees of Fahrenheit's thermometer: <i>Provided</i> , The quantity of oil used in this test shall not be less than half a pint, and it shall be the duty of said inspector to designate, by his brand, the temperature at which said oil will ignite. The oil tester adopted and recommended by the Michigan state board of health shall be used by the inspector and his deputies.
Test.	
Proviso.	
Oil tester.	
Oath of inspector and deputies.	(278.) SEC. 3. Every person appointed state inspector or deputy inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation, prescribed by the constitution and laws of this state, and the state inspector shall also execute a bond to the state of Michigan, in such sum and with such surety as shall be approved by the secretary of state, conditioned for the faithful performance of the duties imposed upon him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglect of said inspector; and the same shall be filed with the clerk of the county where the inspector resides.
Bond of inspector.	
Bond of deputy.	The deputy inspector shall execute a bond to the state of Michigan in such sum and with such surety as shall be approved by the judge of probate, and file the same with the county clerk in the county where the deputy inspector resides. Said inspector or deputy inspector shall be entitled to demand and receive from the owner or party calling on him, or for whom he shall inspect, the sum of forty cents for a single barrel, package, or cask, [and] thirty cents each when not exceeding five in number; twenty-five cents each when not exceeding ten in number, and ten cents for each additional barrel, package, or cask so inspected and branded by him; and it shall be the duty of every inspector or deputy inspector to keep a true and accurate record of all oils so inspected and branded by him, which record shall state the date of inspection, and number of gallons or barrels, and the name of the person for whom inspected; and the record shall be open to the inspection of any and all persons interested. And it shall be the duty of every deputy inspector, within one month after the inspection by him of any oils hereinbefore mentioned, to make a true and accurate return thereof to his principal. All illuminating oils manufactured or refined in this state shall be inspected before removed from the manufactory or refinery. And if any person or persons, whether
Fees for inspection.	
Record of oils inspected.	
Deputies to report monthly to principal.	
Inspection of oils manufactured in this state.	



manufacturer, vender, or dealer, shall sell or attempt to sell to any person in this state, any illuminating oils, whether manufactured in this state or not, before having the same inspected as provided in this act, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred dollars; and if any manufacturer, vender, or dealer of either or any of said illuminating oils shall falsely brand the package, cask, or barrel containing the same, as provided in the sections one and two of this act, or shall use packages, casks, or barrels having the inspector's brand thereon, without having the oil inspected, he shall be deemed guilty of a misdemeanor, and he shall be subject to a penalty in any sum not exceeding five hundred dollars, nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Penalty for selling, etc., before inspection.

Penalty for branding falsely etc.

(279.) SEC. 4. It shall be the duty of the inspector, or any deputy inspector who shall know of the violation of any of the provisions of sections one and three of this act, to enter complaint before any court of competent jurisdiction against any persons so offending.

Inspector or deputy to enter complaint.

(280.) SEC. 5. No inspector or deputy inspector shall, while in office, traffic directly or indirectly in any article which he is appointed to inspect. For the violation of this section he shall be liable to the penalty not exceeding ten hundred dollars.

Inspectors not to traffic in oils.

(281.) SEC. 6. No person shall fraudulently adulterate, for the purpose of sale or for use, any coal or kerosene oils to be used for lights, in such a manner as to render them dangerous to use; nor shall any person knowingly sell or offer to sell, or knowingly use such adulterated oil, nor shall any person knowingly sell or offer for sale or knowingly use any coal or kerosene oil, or any of the products thereof, which, by reason of being adulterated, or for any other reason will, at the temperature of one hundred and fifty degrees of Fahrenheit's thermometer, take fire when a well-lighted match is applied thereto or plunged therein, or which will emit a combustible vapor at the temperature of one hundred and forty degrees of Fahrenheit's thermometer: *Provided*, That the quantity used in the test shall not be less than one-half pint: *And further provided*, That the gas or vapor from said oils may be used for illuminating purposes when the oils from which said gas or vapor is generated are contained in reservoirs under ground outside the building illuminated or lighted by said gas. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by fine not exceeding four hundred dollars, or by both fine and imprisonment, in the discretion of the court.

No person to adulterate, or sell or use certain oils or their products.

Proviso.  
Further proviso.

Penalty for violating provisions of this act.

(282.) SEC. 7. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

## NITRO-GLYCERINE AND OTHER EXPLOSIVE SUBSTANCES.

Laws of 1873, p. 186. Approved April 22, 1873.

Transportation  
and storage of  
nitro-glycerine,  
etc., prohibited  
unless labeled.

(283.) SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful hereafter to bring within this state, or to transport, carry, ship, deposit, store, or place nitro-glycerine, giant powder, dynamites, dualine, or any other substance of which nitro-glycerine shall constitute an ingredient, or that may be exploded by concussion, in or upon any car, vessel, steamboat, or other watercraft or public conveyance, wharf or other public place within the state of Michigan, unless the package or box containing the same shall be labeled on the outside thereof, the words "Nitro-glycerine, dangerous;" and also the same shall appear as inserted or written in or upon the bill of lading, freight bill or other evidence of transportation; thereby giving the character and nature of the articles so shipped: *Provided,* That no provision of this act shall be so construed as to permit the transportation of any of these articles on any passenger train, or freight trains to which a passenger car is attached, or upon any steamboat, propeller, or other vessel used in part or in whole for the transportation of passengers, and that no such materials shall be discharged from any railroad car, boat, or vessel, at any of the wharves, docks, or depots in this state between the hours of six A. M. and six P. M. of the day.

Proviso.

Penalty.

(284.) SEC. 2. If any person or persons shall violate the provisions of this act, or if any person or persons shall knowingly receive, sell, or deliver any of said substances, unlawfully shipped or deposited as aforesaid, each and every person so offending shall be guilty of an offense, and on conviction thereof shall be punished by fine in any sum not exceeding two thousand dollars, or by imprisonment in the state prison not exceeding two years, or both fine and imprisonment in the discretion of the court.

Goods may be  
seized and sold  
when person  
violating cannot  
be found.

(285.) SEC. 3. And in case any party so violating this act cannot be found or reached, the goods so unlawfully shipped shall be seized and sold, one-half of the proceeds of such sale to be given to the informer and one-half to the state.

## REGULATIONS AS TO THE KEEPING OF GUNPOWDER.

Chapter forty-nine of Revised Statutes of 1846.

Inhabitants of  
townships, etc.,  
may make regu-  
lations in rela-  
tion to keeping.

(286.) SECTION 3. The inhabitants of every township or incorporated village<sup>1</sup> may, at any regular meeting, order that no gunpowder shall be kept in any place within the limits of such township or village, unless the same shall be kept in tight casks or canisters; and that no gunpowder above the quantity of fifty pounds shall be kept or deposited in any shop, store, or other building, or in any ship or vessel, which shall be within the distance of twenty-five rods from any other building, or from any wharf; that no gunpowder above the quantity of twenty-five pounds shall be kept or deposited in any shop, store, or other building, within ten rods of any other building; and that no gunpowder above the quantity

<sup>1</sup> See also general law relating to villages, C. L., p. 1118, and act of 1875, p. 57, on the same subject.

of one pound shall be kept or deposited in any shop, store, or other building, within ten rods of any other building, unless the same shall be well secured in copper, tin, or brass canisters, holding not exceeding five pounds each, and closely covered with copper, brass, or tin covers.—(§2059.)

(287.) SEC. 4. Upon complaint made on oath to any justice of the peace, by any township or village officer, that he has probable cause to suspect that gunpowder is deposited or kept within the limits of the township or village, contrary to any such order, such justice may issue his warrant, directed to any constable of such township, or the marshal of such village, ordering him to enter any shop, store, or other building, or vessel specified in said warrant, and there to make diligent search for the gunpowder suspected to have been deposited or kept as aforesaid, and to make return of his doings to such justice forthwith.—(§2060.)

When search-warrant may be issued.

(288.) SEC. 5. If any person shall commit either of the offenses mentioned in the two preceding sections, he shall forfeit a sum not exceeding twenty dollars: but the two preceding sections shall not extend to any manufactory of gunpowder, nor in any case prevent the transportation thereof through any township, or from one part of any township to another part thereof.—(§2061.)

Forfeiture for violating two preceding sections.

## XI. CEMETERIES IN THEIR RELATION TO PUBLIC HEALTH.<sup>1</sup>

### VACATING CEMETERY PLATS AND GROUNDS IN CITIES AND VILLAGES.

Laws of 1871, p. 249. Approved April 15, 1871.

(289.) SECTION 1. *The People of the State of Michigan enact,* That whenever the trustees of any incorporated village, or the common council of any city, shall, by resolution adopted by them, determine that the dead bodies buried in any public cemetery located in such city or village should be removed therefrom, for the reason that such cemetery shall have become commons, or shall impede the growth of any such city or village, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery of the county in which such cemetery is located is hereby authorized to vacate the same, or any part thereof, on petition made to such court as hereinafter provided.—(§3423.)

Circuit court in chancery may vacate cemeteries.

(290.) SEC. 2. That such petition shall be made in behalf of said trustees or common council, by an attorney or agent appointed by them for that purpose, who shall file a petition, signed and sworn

Petition for vacating.

<sup>1</sup> See also "The preservation of public health," this compilation, chapter III., sections five and six.



to by him, in the office of the register of said court for the proper county, which petition shall set forth his authority as attorney or agent, the particular reasons for making and filing such petition, and a distinct description of the premises on which such cemetery is located, which petition shall be filed, as aforesaid, thirty days previous to the first day of the term for which such petition shall be noticed for hearing. That notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper, published in the proper county, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing.—(§3424.)

Notice of hearing.

Court may continue hearing and refer taking testimony to a circuit court commissioner.

Jury.

Defendant.

Damages.

Order for vacating.

Re-interment.

Proviso.

(291.) SEC. 3. That the hearing of such petition may be continued from term to term, in the discretion of the court, without further notice; that all testimony may be taken in open court, or the taking of the same may be referred, in the discretion of the court, to a circuit court commissioner of the proper county; that, under direction of the court, proper issues may be made for the determination of all questions of law and fact, and all questions of compensation to any person or persons to be affected by such proceedings; and all issues of fact may be tried by a jury if the court shall so order; and any person adversely interested may cause himself to be made defendant to such petition. In all cases where reference shall be made to a jury to determine the compensation to be paid to any person or persons as aforesaid, the proceedings upon such reference shall, so far as practicable, be like those had in cases where a jury is empaneled to ascertain and determine the necessity of taking lands, franchises, and other property for the construction of railroads, and to appraise the damages and compensation to be allowed therefor. If upon the hearing of such petition the petitioner shall produce satisfactory evidence to the court that said trustees or common council have determined as aforesaid, that the notice required by this act has been given, and that such cemetery should be vacated, in whole or in part, as a place of burial, for any of the reasons given in this act for vacating cemeteries, such court shall thereupon order that such cemetery shall be vacated, in whole or in part, as a place of burial. That a copy of such order, certified by the register of such court under his seal, shall be recorded by the petitioner in the office of the register of deeds of the proper county.—(§3425.)

(292.) SEC. 4. That when any cemetery shall be vacated as provided in this act, the said trustees or common council shall cause all the dead bodies and remains buried in such cemetery to be re-interred in the cemetery of such city or village, if they have one, and if not, then in some suitable cemetery not more than six miles from the nearest corporate limits of said city or village, in a prudent, careful, and respectful manner, and shall cause to be removed and again erected over the proper remains, all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: *Provided*, That no removal of said bodies and remains shall be made during the months of June, July, August, or September. Such removal, and the costs of

the proceedings under this act, shall be at the expense of and paid by the city or village in which such cemetery is located.—(§3426.)

Expenses.

(293.) SEC. 5. In all cases where the title to the land vacated shall revert to such city or village, such city or village shall, on demand, and upon the conveyance of said lot (where conveyance may be necessary) to said city or village, repay to any owner the price he may have paid for his lot.—(§3427.)

Price of lots repaid.

#### ENLARGING THE LIMITS OF CEMETERIES.

From act 219, laws of 1875, p. 262, being amendatory of, and adding ten new sections to, act of February 19, 1869.

(294.) SECTION 17. Whenever the board of directors of said corporation, the board of health of any township, or the common council, board of health, or board of trustees of any city or village shall deem it to be desirable and necessary to enlarge the limits of any cemetery which has been or may be hereafter established in the manner provided by law, and such board of directors, board of health, board of trustees, or common council shall be unable to agree with the owner or owners of the land which such board of directors, board of health, board of trustees, or common council desire to include within the limits of the cemetery to be enlarged, as to the compensation to be paid therefor, or in case such board of directors, board of health, board of trustees, or common council shall, by reason of any imperfection in the title to said land, arising either from a break in the chain of title, tax sale, mortgages, levies, or any other cause be unable to procure a perfect, unencumbered title in fee simple to said land, such board of directors, board of health, board of trustees, or common council shall authorize one or more of its members to apply to the circuit judge in whose circuit such cemetery shall be situated, for a jury to ascertain and determine the just compensation to be made for the real estate required by such cemetery, and the necessity for using the same, which application shall be in writing, and shall describe the real estate desired for enlarging such cemetery as accurately as is required in a conveyance of real estate.

Relative to enlarging the limits of cemetery.

Application to circuit judge for jury to determine compensation, etc.

(295.) SEC. 18. It shall be the duty of such circuit judge, upon such application being made to him, to issue a summons or *venire* directed to the sheriff or any constable of the county, commanding him to summon eighteen freeholders residing in the vicinity of such land, who are in nowise of kin to the owner of such real estate, and not interested therein, to appear before such judge, at the time and place therein named, not less than twenty nor more than thirty days from the time of issuing such summons or *venire*, as a jury to ascertain and determine the just compensation to be made for the real estate required for enlarging such cemetery, and the necessity for using the same, and to notify the owner or occupant of such real estate, if he can be found in the county, of the time and place where such jury is summoned to appear, and the object for which said jury is summoned, which notice shall be served at least ten days before the time specified in such summons or *venire* for the jury to appear as hereinbefore mentioned.

Summoning of jury.

Notice to owner of real estate.

Notice of time when, and place where, jury will assemble.

(296.) SEC. 19. Thirty days' previous notice of the time when, and the place where, such jury will assemble, shall be given by such board of directors, board of health, board of trustees, or common council, where the owner or owners of such real estate shall be unknown, are non-residents of the county, minors, insane, *non compos mentis*, or inmates of any prison, by publishing the same in a newspaper published in the county where such real estate is situated, or if there be no newspaper published in such county, then in some newspaper published in the nearest county where a newspaper is published, once in each week for four successive weeks, which notice shall be signed by the board of directors, board of health, board of trustees, or common council, and shall describe the real estate required for enlarging such cemetery, and state the time when, and place where, such jury will assemble, and the object for which they will assemble, or such notice may be served on each owner personally, or by leaving a copy thereof at his last place of residence.

Return of summons, etc.

(297.) SEC. 20. It shall be the duty of such judge, and of the persons summoned as jurors, as hereinbefore provided, and of the sheriff or constable summoning them, to attend at the time and place specified in such summons or *venire*, and the officer who summoned the jury shall return such summons or *venire* to the officer who issued the same, with the names of the persons summoned by him as jurors, and shall certify the manner of notifying the owner or owners of such real estate if he was found, and if he could not be found in said county, he shall certify that fact. Either party may challenge any of the said jurors for the same causes as in civil actions. If more than twelve of said jurors in attendance shall be found qualified to serve as jurors, the officer in attendance and who issued the summons or *venire* for such jury, shall strike from the list of jurors a number sufficient to reduce the number of jurors in attendance to twelve; and in case less than twelve of the number so summoned as jurors shall attend, the sheriff or constable shall summon a sufficient number of freeholders to make up the number of twelve, and the officer issuing the summons or *venire* for such jury may issue an attachment for any person summoned as a juror who shall fail to attend, and may enforce obedience to such summons, *venire*, or attachment as courts of record are authorized to do in civil cases.

Formation of jury.

Oath of jurors.

(298.) SEC. 21. The twelve persons selected as the jury shall be duly sworn by the judge in attendance, faithfully and impartially to inquire, ascertain, and determine the just compensation to be made for the real estate required for enlarging such cemetery, and the necessity for using the same in the manner proposed by such cemetery; and the persons thus sworn shall constitute the jury in such case. Subpoenas for witness [witnesses] may be issued, and their attendance compelled by such circuit judge in the same manner as may be done by the circuit court in civil cases. The jury may visit and examine the premises, and from such examination and such other evidence as may be presented before them, shall ascertain and determine the necessity for using such real estate in the

Witnesses.

Jury to examine premises, etc.



manner and for the purpose proposed by such board of directors, board of health, board of trustees, or common council, and the just compensation to be made therefore, and if such jury shall find that it is necessary that such real estate shall be used in the manner or for the purpose proposed by such board of directors, board of health, board of trustees, or common council, they shall sign a certificate in writing, stating that it is necessary that said real estate (describing it) should be used for enlarging such cemetery, also stating the sum to be paid by such board of directors, board of health, board of trustees, or common council, as the just compensation for the same. The said circuit judge shall sign and attach to and indorse upon the certificate thus subscribed by the said jurors a certificate stating the time when and the place where the said jury assembled, that they were by him duly sworn, as herein required, and that they subscribed the said certificate. He shall also state in such certificate who appeared for the respective parties on such hearing and inquiry, and shall deliver such certificates to said board of directors, board of health, board of trustees, or common council.

Certificate of jury.

Certificate of judge.

(299.) SEC. 22. Upon filing such certificate in the circuit court of the county where such real estate is situated, such court shall, if it finds all the proceedings regular, render judgment for the sum specified in the certificate signed by such jury against such board of directors, board of health, board of trustees, or common council, which judgment shall be collected and paid in the manner as other judgments are collected and paid.

On filing of certificate court to render judgment.

(300.) SEC. 23. In case the owner of such real estate shall be unknown, insane, *non compos mentis*, or an infant, or cannot be found within such county, it shall be lawful for said board of directors, board of health, board of trustees, or common council to deposit the amount of such judgment with the county treasurer of such county, for the use of the person or persons entitled thereto, and it shall be the duty of such county treasurer to receive such moneys, and at the time receiving it to give a receipt or certificate to the person depositing the same with him, stating the time when such deposit was made, and for what purpose; and such county treasurer and his sureties shall be liable on his bond for any money which shall come into his hands under the provisions of this act, in case he shall refuse to pay or account for the same as herein provided: *Provided*, That no such money shall be drawn from such county treasurer except upon an order of the circuit court, or judge of probate as hereinafter provided.

When owner is unknown, insane, etc., money to be deposited with county treasurer.

Proviso.

(301.) SEC. 24. Upon satisfactory evidence being presented to the circuit court of the county where such real estate lies, that such judgment or the sum ascertained and determined by the jury as the just compensation to be paid by such board of directors, board of health, board of trustees, or common council, for such real estate, has been paid, or that amount has been deposited according to the provisions of the preceding section, such court shall by an order or decree adjudge and determine that the title in fee of such

Decree of court on payment of judgment.

Record of decree,  
etc.

When premises  
may be taken  
possession of.

Proceedings in  
case jury cannot  
agree.

Adjournment  
of proceedings.

real estate shall, from the time of making such payment or deposit, forever thereafter be vested in such board of directors, board of health, board of trustees, or common council, or in the township, city, or village, as the case may be, and its assigns; a copy of which decree, certified by the clerk of said county, shall be recorded in the office of the register of deeds of such county, and the title of such real estate shall thenceforth, from the time of making such payment or deposit, be vested forever thereafter in such board of directors, board of health, board of trustees, or common council, township, city or village, and its assigns in fee.

(302.) SEC. 25. Such board of directors, board of health, board of trustees, or common council may at any time after making the payment or deposit hereinbefore required enter upon and take possession of such real estate for the use of such cemetery, by such board of directors, board of health, board of trustees, or common council.

(303.) SEC. 26. In case the jury hereinbefore provided for shall not agree, another jury may be summoned in the same manner, and the same proceedings may be had, except that no further notice of the proceedings may be necessary, but instead of such notice the judge may adjourn the proceedings to such time as he shall think reasonable, not exceeding thirty days, and shall make the process to summon a jury returnable at such time and place as the proceedings may be adjourned to. Such proceedings may be adjourned from time to time by the said judge, on the application of either party, and for good cause to be shown by the party applying for such adjournment, unless the other party shall consent to such adjournment, but the adjournment [adjournments] shall not exceed three months.

## XII. MISCELLANEOUS PROVISIONS.

### DISPOSITION OF REAL ESTATE BY BOARDS OF HEALTH.

Laws of 1861, p. 452. Approved March 15, 1861.

Sale of real es-  
tate by boards  
of health.

Provide.

(304.) SECTION 1. *The People of the State of Michigan enact,* That any board of health of this state may sell and convey any real estate, the fee of which is vested in them: *Provided.* That no real estate shall be sold by virtue of this act which is or has been in actual use as a cemetery or burying-ground, unless the same shall be sold by an order from the circuit court.—(§1741.)

## CRIMINAL ABORTION.

Laws of 1869, p. 175. Approved April 3, 1869.

(305.) SECTION 1. *The People of the State of Michigan enact*, Prohibiting the printing, etc. of virtues of medicine in immoral language.  
That no person or persons, their agents or clerks, shall print, stamp, or engrave on any cards, bills, or posters for public display or advertisement, or publish in any newspaper in the state of Michigan, the virtues or applications and its or their effects of any such patent and other simple or compound medicine, in language of immoral tendency or of ambiguous character. Any person or persons, their agents or clerks, who shall fail to comply with the requirements herein expressed, shall be deemed guilty of a misdemeanor, and shall be liable to a fine not less than fifty nor more than one hundred dollars, or to imprisonment in the county jail not exceeding three months, or both, for each and every offense. Penalty.  
Any proprietor or proprietress of any newspaper published in the state of Michigan, who shall permit any such publications to appear in consecutive issues, each and every day shall be deemed a new and separate offense, and shall be liable to a penalty as herein expressed.—(§7724.) Each appearance of such publication a new offense.

(306.) SEC. 2. The publication or sale within this state of any circular, pamphlet, or book containing recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception, or tending to produce miscarriage or abortion, is hereby prohibited; and for each copy thereof, so published and sold, containing such prohibited recipes or prescriptions, the publisher and seller shall each be deemed guilty of a misdemeanor, and shall be liable to the same penalties provided for a violation of the preceding section.—(§7725.) Penalty for publishing, etc., circulars, etc.

Laws of 1873, p. 185. Approved April 22, 1873.

(307.) SECTION 1. *The People of the State of Michigan enact*, Sale of drugs for purpose of procuring abortion prohibited.  
That no person shall in any manner, except as hereinafter provided, advertise, publish, sell, or publicly expose for sale any pills, powders, drugs, or combination of drugs, designed expressly for the use of females for the purpose of procuring an abortion.

(308.) SEC. 2. Any drug or medicine known to be designed and expressly prepared for producing an abortion, shall only be sold upon the written prescription of an established practicing physician of the city, village, or township in which the sale is made; and the druggist or dealer selling the same shall, in a book provided for that purpose, register the name of the purchaser, the date of the sale, the kind and quantity of the medicine sold, and the name and residence of the physician prescribing the same. When drugs designed for procuring abortion may be sold.  
Person selling to keep record of sales, etc.

(309.) SEC. 3. Any person violating any of the provisions of this act, shall upon conviction thereof, be punished by a fine of not less than twenty-five nor more than one hundred dollars, in the discretion of the court. Penalty.



## SETTING OF GUNS AND OTHER DANGEROUS DEVICES.

Laws of 1875, p. 186. Approved April 22, 1875.

Setting of a spring gun, etc. deemed a misdemeanor.

Killing of person by gun so set deemed manslaughter.

(310.) SECTION 1. *The People of the State of Michigan enact* That if any person shall set any spring or other gun, or any trap or device operating by the firing or explosion of gunpowder or any other explosive, and shall leave or permit the same to be left, except in the immediate presence of some competent person, he shall be deemed to have committed a misdemeanor; and the killing of any person by the firing of a gun or device so set shall be deemed to be manslaughter.

## STATISTICS AS TO THE TREATMENT AND CURE OF INEBRIATES.

Laws of 1873, p. 182. Approved April 17, 1873.

Appointment of commissioner and his duties.

(311.) SECTION 1. *The People of the State of Michigan enact,* That the governor of the state of Michigan may commission a suitable and competent person, whose duty it shall be, without expense to the State, to procure information and statistics relative to the scientific treatment and cure of the victims of intemperance.

## DRAINAGE.

[The drain laws, although part of the health laws, are under a distinct administration, and it has not been thought necessary to include them entire in this compilation, especially as they are already printed in pamphlet form, under the provisions of act No. 145 of the last session of the legislature. These sections only of the township drain law (the county drain law also having similar provisions) that connect the drainage laws with the health interests, are given. Sections two, five, and six, as amended by act 140, laws of 1875, page 166, contain provisions relating to the construction of drains, and section twenty (C. L. §1797), relates to their obstruction.]

Action of commissioner.

(312.) SECTION 2. When any person or persons shall make application to the drain commissioner of any township to establish and open a water-course, or to locate and construct a ditch or drain, and shall give such commissioner good and sufficient security, in writing, to pay all costs and expense of whatever kind pertaining to the action of said commissioner about such application in case such application shall not be granted, the drain commissioner shall immediately proceed to examine, personally, the line of the proposed water-course, ditch, or drain, and if in his opinion it is proper or necessary, and for the good of the public health that the application should be granted, he shall try to obtain a conveyance to the county of the lands necessary therefor, and a release of the damages from every person through whose land such water-course, ditch, drain, or drains are to pass; if he obtains such conveyance and release, he shall proceed to make such examination, by surveys or otherwise, as may be necessary to determine the route, width, length, and dimensions thereof, and the lands to be benefited thereby; he shall establish such water-course, or locate such ditch or drain. \* \* — (§1779.)

Health considerations.

(313.) SEC. 5. \* \* If the jurors be of the opinion that it is necessary for the good of the public health, as well as a benefit to the land in the vicinity thereof, to take such land and to establish

and open such water-course, or to locate and construct such ditch or drain, they shall so determine. \* \* — (§1782.)

(314.) SEC. 6. \* \* When such water-course, ditch, or drain, Idem. will benefit the highway as well as the public health, said drain commissioner shall assign the opening or construction thereof, of such part or parts as seem to him just, to the township to which such highway belongs or in which it is situated. \* \* — (§1783.)

(315.) SEC. 20. Whoever shall willfully obstruct any such water-course or ditch, or injure the same, shall be liable to every person injured for the full amount of injury occasioned by damage to or obstruction of said ditch or water-course, and shall forfeit for every such offense a sum not exceeding twenty-five dollars, to be recovered before a justice of the peace of such township, for the benefit of drainage in such township (to be paid over as provided in the foregoing section) at suit of any person making complaint, and shall also remove such obstruction, and in default thereof for three days, shall be liable to an action therefor, before any justice of the peace of the township, at the suit of the drain commissioner, to be expended by said commissioner in removing such obstructions and in paying fees of commissioner in superintending the same.—(1797.) Penalty for obstructing ditch, etc.

Disposition of fine money.

#### RESTRICTIONS AS TO MARRIAGE.

Chapter eighty-three of Revised Statutes of 1846.

(316.) SECTION 1. Every male who shall have attained the full age of eighteen years, and every female who shall have attained the full age of sixteen years, shall be capable in law of contracting marriage, if otherwise competent.— (§4719.) Who shall be capable of contracting marriage. 15 Mich. 199.

(317.) SEC. 3. No man shall marry his mother, grandmother, daughter, granddaughter, stepmother, grandfather's wife, son's wife, grandson's wife, wife's mother, wife's grandmother, wife's daughter, wife's granddaughter, nor his sister, brother's daughter, sister's daughter, father's sister, or mother's sister.— (§4721.) Who shall not intermarry. 5 Mich. 305.

(318.) SEC. 4. No woman shall marry her father, grandfather, son, grandson, stepfather, grandmother's husband, daughter's husband, granddaughter's husband, husband's father, husband's grandfather, husband's son, husband's grandson, nor her brother, brother's son, sister's son, father's brother, or mother's brother.— (§4722.) Idem. 5 Mich. 318.

(319.) SEC. 6. No white person shall intermarry with a negro, and no insane person or idiot shall be capable of contracting marriage.— (§4724.) Idem. 12 Mass. 363.

Section seven prescribes what officers may solemnize marriages.—See amendment to section 7, Laws of 1873, p. 120. Section eight requires the officer solemnizing a marriage to examine at least one of the parties on oath as to the legality of the intended marriage. Section fourteen imposes a penalty of five hundred dollars upon any minister or justice who shall join any persons in marriage contrary to law. The remaining sections of the chapter (except repealed sections, for which see Compiled Laws, p. 1463) contain miscellaneous provisions, having no application to health considerations. For provisions as to the registration of marriages, see chapter II. of this compilation, consecutive sections 24-34.

## PURITY OF THE FISHERIES.

Laws of 1865, p. 717. Approved March 21, 1865.

Putting of offal, etc., into waters, prohibited. (320.) SECTION 1. *The People of the State of Michigan enact,* That it shall be unlawful for all persons to put into any of the waters of this State, where fish are taken, any offal, blood, putrid brine, putrid fish, or filth of any description; and any person so

Penalty.

offending shall be fined in any sum not exceeding three hundred dollars, or imprisonment not exceeding thirty days, or both, at the discretion of the court.—(§2072.)

Offal, how destroyed.

(321.) SEC. 2. All fish, offal, or filth of any description whatsoever, accruing from the catching and curing of fish, shall be burned or buried ten rods distant from the beach or shore of the river or lake.—(§2073.)

Penalty for offending against former sections.

(322.) SEC. 6. Any act in contravention of sections two, four, and five of this act shall subject all parties concerned in the breach of the said sections, whether the actual transgressors or accessories, to a penalty of not more than one hundred dollars nor less than twenty-five dollars with all expense of prosecution, or to imprisonment in the county jail for a period not exceeding thirty days, or both, at the discretion of the court.—(§2077.)

## DISSECTION FOR SCIENTIFIC PURPOSES.

Laws of 1875, p. 164. Approved April 27, 1875.<sup>1</sup>

Provision for furnishing University and Detroit Medical College with certain subjects for dissection.

(323.) SECTION 1. *The People of the State of Michigan enact,* That any member of either of the following boards of officers, to wit: the board of health of any city, village, or township in the state, the mayor or common council of any city, and any officer or board having direction, management, charge, or control in whole or in part of any prison, house of correction, or jail in the state, shall deliver the dead bodies of such persons as may be required to be buried at the public expense, when so requested by letter or otherwise, to any member of the medical faculty of the university of Michigan, or Detroit medical college, when there shall be deposited with such board or officer sufficient money to defray the expense and trouble of packing and preparing the same for shipment, which shall not exceed the sum of fifteen dollars for each subject, shall deliver, within forty-eight hours after the death of such person, to the express company or freight company at the nearest railroad station, properly placed in a plain coffin as for burial, and inclosed in a strong box, plainly directed to the person and place as directed by the consignee making such deposit, to be shipped to such consignee to be used by him for the advancement of anatomical science, preference being always given to the faculty of the medical department of the University of Michigan for their use in the instruction of medical students, and after they have made their orders and deposit of money as aforesaid; and such board or officers shall take the usual shipping receipt for such packages, and shall notify the consignee of such shipment by letter,

Preference to medical faculty of University.

Officer making shipment to take receipt, etc.

<sup>1</sup> This act amends the act of March 27, 1867, except the last section.



mailed on the day the packages are delivered to the express company or freight company at the railroad depot. In no case shall the faculty or the regents be entitled to require or receive from any medical student or students for any such body furnished therein, any sum of money in excess of the actual cost of procuring the same. Any of said officers who shall neglect to comply with any such request after being tendered or receiving the money so required to be deposited, shall be subject to a penalty of one hundred dollars for each body that he neglects to ship as aforesaid, one-half of which shall go to the party making the demand and deposit as aforesaid: *Provided*, That the university and each and every medical institution shall not receive into their possession such bodies as are procured in this state other than those provided for by the provisions of this act, and every individual or party violating this provision shall be deemed guilty of a misdemeanor.—(§2110.)

Cost of bodies to students.

Penalty for neglect to furnish body.

Proviso.

(324.) SEC. 2. No such dead body shall be shipped as aforesaid, if within twenty-four hours after death or before such body shall be shipped any relatives or friends of the deceased who will bury the body at his own expense, or shall require to have the body buried; or if such deceased person was a stranger or traveler, the dead body shall in all such cases be buried.—(§2111.)

When bodies not to be surrendered.

(325.) SEC. 3. No such dead body shall be sold or delivered to any person to be taken out of the state, nor shall any such dead body be shipped to any person or place out of the state, or be used within the state for any purpose except for the prosecution of anatomical science. Any person violating any of the provisions of this act shall be punished by a fine of not less than fifty, or more than one hundred dollars, or by imprisonment in the county jail not less than one or more than three months, or by both such fine and imprisonment, at the discretion of the court.—(§2112.)

Bodies must not be sold to be taken out of state, etc.

Penalty for violating provisions of act.

(326.) SEC. 4. Any practicing physician or surgeon of this state, or any medical student under the authority of such physician or surgeon, may have in his possession human dead bodies, or the parts thereof, lawfully obtained, for the purposes of anatomical inquiry or dissection.—(§2113.)

Permission to possess.

#### REFERENCES.

Those provisions not included in the compilation, but which seem to demand a reference, are grouped as follows:

*First*, Offenses against life and person: The crime of murder, compiled laws, p. 2070; dueling, p. 2071; maiming or disfiguring, or aiding therein; assault with intent to maim; attempt to murder by poison, etc.; assault with intent to murder; assault and robbing, etc., from person, being armed, all on page 2072; assault and stealing, or with intent to rob and steal, not being armed; malicious threats to extort money, etc., rape, and assault with intent to commit rape, and other offenses against females, pp. 2073 and 2074; poisoning food, wells, etc., pp. 2074 and 2075; other assaults with intent to commit felony, p. 2075; enticing away child under twelve years of age with intent to detain, etc.; exposing child with intent to abandon; willful killing, or attempt to destroy unborn child, and attempt to produce miscarriage, p. 2075; careless use of firearms, 2077; removing or destroying buoys and beacons, 2094; concealing death of bastard child, p. 2116; causing death by wrongful act, neglect or default, p. 1882.

*Second*, Precautionary and detective measures: Regulations as to dogs,

compiled laws, pp. 670, 671; inquests, p. 2181, and session laws of 1873, p. 58; proceedings to prevent crime, as threats, etc., against persons, pp. 2153-56.

*Third*, Personal remedial actions: For causing death by wrongful act; neglect, or default, compiled laws, p. 1882, and amendatory act of April 15, 1873, laws of 1873, p. 127; for malpractice, p. 1761; for injury by defective bridges, p. 460; for selling liquor to relatives by which injury results, session laws of 1875, p. 284.

*Fourth*, Beneficent provisions for the care of the sick and infirm: Act to provide for the formation of corporations for establishing health institutions, compiled laws, p. 1025; act for the incorporation of hospitals or asylums, p. 1026; and amendatory act of February 18, 1875, laws of 1875, p. 10; constitutional provision requiring the maintenance of institutions for the benefit of the deaf, dumb, blind, or insane, p. 72; act to establish an asylum for the deaf and dumb, and the blind, and an asylum for the insane, and subsequent supplementary acts, pp. 623-643, and amendatory act of April 25, 1873, laws of 1873, p. 205; act to provide an additional asylum for the insane, session laws of 1873, pp. 164-8, and amendatory act of February 2, 1875, laws of 1875, p. 2; act for establishing a hospital at the university, session laws of 1875, p. 237; act to provide for the appointment of a board of commissioners for the general supervision of penal, pauper, and reformatory institutions, compiled laws, p. 2233, and amendatory act of April 1, 1873, laws of 1873, p. 73; care of the sick poor, compiled laws, sections 1816, 1823, 1827, 1843, 1847, 1850; report to be made by superintendents of the poor as to the sanitary condition of paupers, p. 609; care of insane soldiers, session laws of 1873, p. 124, and 1875, p. 9; care of insane convicts, compiled laws, pp. 2196-7; protection of convicts in the state prison from pestilence and fire, p. 2210; and session laws of 1875, p. 254; regulations relative to food, clothing, etc., of convicts in the state prison, session laws of 1875, p. 243; protection of prisoners in jails in case of fire, compiled laws, p. 2025.

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